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16 **Attorneys for Plaintiffs**

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **KIMBERLY COPELAND**  
20 **INDIVIDUALLY AND ON**  
21 **BEHALF OF THE ESTATE**  
22 **OF SEAN COPELAND**  
23 **AND ON BEHALF OF THE**  
24 **ESTATE OF BRODIE**  
25 **COPELAND**

26 *Plaintiffs,*

27 *-against-*

28 **TWITTER, INC., GOOGLE,**  
**INC., and FACEBOOK, INC.**

*Defendants.*

Case No:

**COMPLAINT FOR DAMAGES FOR:**

1. **LIABILITY FOR AIDING AND ABETTING ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**
2. **LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**
3. **PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339a AND 18 U.S.C. § 2333**
4. **PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**
5. **NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**
6. **WRONGFUL DEATH**

**JURY TRIAL DEMANDED**

1 NOW COME Plaintiffs, by and through their attorneys, and allege the following against  
 2 Defendants Twitter, Inc., Google, Inc., and Facebook, Inc. (“Defendants”):

3 **NATURE OF ACTION**

4 1. This is an action for damages against Twitter, Google, and Facebook pursuant to the  
 5 Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of  
 6 Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly  
 7 providing support and resources to ISIS, the notorious designated foreign terrorist organization that  
 8 carried out the July 14, 2016 terrorist attack in Nice that murdered Sean Copeland, Brodie Copeland,  
 9 and 84 other individuals.

10 2. The ATA’s civil remedies have served as an important means for enforcing the  
 11 federal criminal anti-terrorism provisions since the early 1990s.

12 3. Congress enacted the ATA in October 1992 as a legal complement to criminal  
 13 penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil  
 14 provisions would not only provide a mechanism for compensating victims of terror but also serve  
 15 as an important means of depriving terrorists of financial resources to carry out attacks.

16 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in  
 17 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September 1994,  
 18 making it a crime to provide material support or resources knowing or intending that they will be  
 19 used in preparing or carrying out terrorist acts.

20 5. In April 1996, Congress further expanded the effort to cut off resources to terrorists  
 21 by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or  
 22 resources to a designated foreign terrorist organization.

23 6. In the wake of the terror attacks on the United States by *al-Qaeda* of September 11,  
 24 2001 killing nearly 3,000 Americans, Congress amended the “material support” statutes, 18 U.S.C.  
 25

1        §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism  
 2 Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to  
 3 expand the definition of “material support or resources” prohibited thereby.

4        7.        In September 2016, Congress amended the ATA’s civil provisions to recognize  
 5 causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan,  
 6 prepare, or carry out acts of international terrorism. The Justice Against Sponsors of Terrorism Act  
 7 (“JASTA”), Public Law No: 114-222 (09/28/2016) states in relevant part:  
 8

9        Purpose.--The purpose of this Act is to provide civil litigants with the  
 10 broadest possible basis, consistent with the Constitution of the United  
 11 States, to seek relief against persons, entities, and foreign countries,  
 12 wherever acting and wherever they may be found, that have provided  
 13 material support, directly or indirectly, to foreign organizations or persons  
 14 that engage in terrorist activities against the United States.  
 15 (JASTA 2(b))

16        8.        The terror attacks in this case were carried out by ISIS, a terrorist organization for  
 17 years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and  
 18 extreme.

19        9.        Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The  
 20 Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated  
 21 Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act,  
 22 8 U.S.C. § 1189 (“INI”), since October 2004.

23        10.       By the time of the terror attacks in this case, ISIS had become one of the largest and  
 24 most widely-recognized and feared terrorist organizations in the world.

25        11.       The expansion and success of ISIS is in large part due to its use of the Defendants’  
 26 social media platforms to promote and carry out its terrorist activities.  
 27

12. For years, Defendants have knowingly and recklessly provided the terrorist group  
 1 ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising  
 2 funds, and attracting new recruits. This material support has been instrumental to the rise of  
 3 ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including  
 4 the July 14, 2016 attack in Nice, France where 434 people were seriously injured and 86 were killed,  
 5 including Sean and Brodie Copeland.

13. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive  
 8 growth of ISIS over the last few years into the most feared terrorist group in the world would not  
 9 have been possible. According to the Brookings Institution, ISIS “has exploited social media,  
 10 most notoriously Twitter, to send its propaganda and messaging out to the world and to draw in  
 11 people vulnerable to radicalization.”<sup>1</sup> Using Defendants’ sites, “ISIS has been able to exert an  
 12 outsized impact on how the world perceives it, by disseminating images of graphic violence  
 13 (including the beheading of Western journalists and aid workers) . . . while using social media to  
 14 attract new recruits and inspire lone actor attacks.” According to former FBI Director James  
 15 Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale individual attacks,  
 16 “to crowdsource terrorism” and “to sell murder.”

19. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an  
 20 astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These  
 21 official accounts included media outlets, regional hubs and well-known ISIS members, some with  
 22 tens of thousands of followers. For example, Al-Furqan, ISIS’s official media wing responsible for  
 23 producing ISIS’s multimedia propaganda, maintained a dedicated Twitter page where it posted

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26  
 27 <sup>1</sup> <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>

1 messages from ISIS leadership as well as videos and images of beheadings and other brutal forms  
 2 of executions to 19,000 followers.

3 15. Likewise, Al-Hayat Media Center, ISIS's official public relations group, maintained  
 4 at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-  
 5 Hayat had nearly 20,000 followers.



15 *Figure 1 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS*  
 16 *Recruitment Video*

17 16. Another Twitter account, @ISIS\_Media\_Hub, had 8,954 followers as of September 2014.



25 *Figure 2 ISIS Propaganda Posted on @ISIS\_Media\_Hub*  
 26

1       17.     As of December 2014, ISIS had an estimated 70,000 Twitter accounts, at least 79 of  
2 which were “official,” and it posted at least 90 tweets every minute.

3       18.     As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.

4       19.     ISIS, in particular, embraced and used Google’s YouTube platform and services as  
5 a powerful tool for terrorism.

6       20.     Google’s YouTube media platform and services provide tremendous utility and value  
7 to ISIS as a tool to connect its members and to facilitate the terrorist group’s ability to communicate,  
8 recruit members, plan and carry out attacks, and strike fear in its enemies.

9       21.     Google’s services have played a uniquely essential role in the development of ISIS’s  
10 image, its success in recruiting members from around the world, and its ability to carry out attacks  
11 and intimidate its enemies.

12       22.     For example, ISIS uses Google’s YouTube platform and services to distribute high-  
13 production-quality videos, images, and recordings that make it appear more sophisticated,  
14 established, and invincible.

15       23.     ISIS has used YouTube to cultivate and maintain an image of brutality, to instill  
16 greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of  
17 numerous beheadings and other brutal killings, including setting captives on fire, blowing them up  
18 with explosives, slowly lowering them in a cage underwater to drown, and more.

19       24.     In this case, ISIS used Defendants’ platforms to specifically threaten France that it  
20 would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks  
21 leading up to these major attacks, and to transform the operational leader of the Nice attack into a  
22 “celebrity” among jihadi terrorists in the year leading up to the Nice attack via videos featuring his  
23 ISIS exploits in Syria, France and Belgium.

24

1 25. ISIS also used Defendants' platforms to celebrate the Nice attack, to intensify the  
intimidation of the attacks, and to claim credit for the attacks.

3        26. For years, ISIS and its affiliated media production and distribution networks openly  
4 maintained and used official Twitter, YouTube, and Facebook accounts with little or no interference.  
5 Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings,  
6 and other attention for providing its online social media platforms and communications services to  
7 ISIS, prior to the Nice attack Defendants continued to provide these resources and services to ISIS  
8 and its affiliates, refusing to actively identify ISIS Twitter, YouTube, and Facebook accounts, and  
9 only reviewing accounts reported by other social media users.  
10

11       27. Defendants knowingly provided material support and resources to ISIS in the form  
12 of Twitter, Facebook, and Google's YouTube platforms and other services, as well as by making  
13 personnel available to ISIS.

14 28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most  
15 important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which  
16 ISIS murdered Sean and Brodie Copeland.  
17

18 29. By providing its social media platforms and other online services and personnel to  
19 ISIS, Defendants: violated the federal prohibitions on providing material support or resources for  
20 acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to  
21 designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired  
22 with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C.  
23 § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly,  
24 Defendants are liable pursuant to 18 U.S.C. § 2333 to the plaintiffs, who were injured by reason of  
25 acts of international terrorism.  
26

30. Plaintiffs' claims are based not upon the content of ISIS's social media postings, but upon Defendants provision of the infrastructure which provides material support to ISIS.

31. Furthermore, Defendants profit from ISIS by placing ads on ISIS's postings. For at least one of the Defendants, Google, revenue earned from advertising is shared with ISIS.

32. Lastly, Defendants incorporate ISIS's postings to create unique content by combining the ISIS postings with advertisements selected by Defendants based upon ISIS's postings and the viewer looking at the postings and the advertisements.

## THE PARTIES

## A. The Plaintiffs

33. Decedent Sean Copeland was a citizen of Texas domiciled in Texas before his death during the Nice Attack. Sean Copeland was a national of the United States.

34. Decedent Brodie Copeland, a minor, was a citizen of Texas domiciled in Texas before his death during the Nice Attack. Brodie Copeland was a national of the United States.

35. Plaintiff Kimberly Copeland is the wife of Sean Copeland and mother of Brodie Copeland. Kimberly Copeland is domiciled in Texas and is a national of the United States.

## B. The Defendants

36. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1355 Market Street, Suite 900, San Francisco, California 94103.

37. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S company incorporated in Delaware, with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025.

38. Defendant Google, Inc. (“Google”) is a corporation organized under the laws of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View,

1 California, 94043. Google owns and operates YouTube. For the purposes of this complaint, Google  
 2 and YouTube are used interchangeably.

3 **JURISDICTION AND VENUE**

4 39. Defendants are subject to the jurisdiction of this Court. Defendants are at home in  
 5 the United States because they are Delaware corporations with principal places of business in  
 6 California. Defendants may be found in this District and have an agent in this District.

7 40. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §  
 8 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United  
 9 States who have been killed or injured by reason of acts of international terrorism, and/or their  
 10 estates, survivors, and heirs.

12 41. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

13 **FACTUAL ALLEGATIONS**

14 **I. LEGAL BACKGROUND: ANTITERRORISM LEGISLATION**

16 **A. The Antiterrorism Act (“ATA”)**

17 42. In the 1980's, terrorist groups carried out a number of major terror attacks around  
 18 the world, killing and injuring many Americans abroad.

19 43. Among these terror attacks were:

20 a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63  
 21 people, including 17 Americans;

22 b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon,  
 23 killing 241 U.S. Marines and injuring more than 100;

24 c. The December 1983 terrorist bombings of the U.S. Embassy and the residential  
 25 quarters of American company Raytheon in Kuwait;

- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon;
- e. The June 1985 hijacking of TWA flight 847;
- f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and
- g. The December 1985 terrorist bombings of the Rome and Vienna airports.

45. This new chapter contained a new section titled, “Terrorist acts abroad against United  
11 States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national  
12 of the United States, or engaging in physical violence with the intent to cause serious bodily injury  
13 to a national of the United States or that results in serious bodily injury to a national of the United  
14 States.  
15

17        46. In addition, Congress later enacted the ATA, which established a private cause of  
18 action for U.S. nationals injured by acts of international terrorism, as a legal complement to the  
19 criminal penalties against terrorists that kill or injure Americans abroad.

20       47. In enacting the ATA, Congress specifically intended that the civil cause of action  
21 would not only provide a mechanism for compensating victims of terror, but also serve as an  
22 important means of depriving terrorists of financial resources to carry out attacks.

24        48.      As the ATA was being considered in Congress, the State Department's Deputy Legal  
25 Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee's Subcommittee on

1 Courts and Administrative Practice that this proposed bill “will add to the arsenal of legal tools that  
2 can be used against those who commit acts of terrorism against United States citizens abroad.”<sup>2</sup>

3 49. The Deputy Legal Advisor also testified:

4 “[T]his bill will provide general jurisdiction to our federal courts and a  
5 cause of action for cases in which an American has been injured by an act  
6 of terrorism overseas.

7 We view this bill as a welcome addition to the growing web of law we are  
8 weaving against terrorists. . . . The existence of such a cause of action . . .  
9 may deter terrorist groups from maintaining assets in the United States,  
10 from benefiting from investments in the U.S. and from soliciting funds  
11 within the U.S. In addition, other countries may follow our lead and  
12 implement complimentary national measures, thereby increasing obstacles  
13 to terrorist operations.

14 Moreover, the bill may be useful in situations in which the rules of evidence  
15 or standards of proof preclude the U.S. government from effectively  
16 prosecuting a criminal case in U.S. Courts. Because a different evidentiary  
17 standard is involved in a civil suit, the bill may provide another vehicle for  
18 ensuring that terrorists do not escape justice.”<sup>3</sup>

19 50. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of  
20 ATA’s civil cause of action as follows:

21 “The United States must take a strong stand against terrorism. The  
22 Department of State testified that this bill would add to the arsenal of legal  
23 tools that can be used against those who commit acts of terrorism against  
24 U.S. citizens abroad.  
25 . . .  
26 Now is the time for action. Now is the time to strengthen our ability to both  
27 deter and punish acts of terrorism.

28 <sup>2</sup> “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new  
29 civil cause of action in federal court for terrorist acts abroad against United States nationals,” Before  
30 the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee (July  
31 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

<sup>3</sup> *Id.*

1                   We must make it clear that terrorists' assets are not welcome in our country.  
 2                   And if they are found, terrorists will be held accountable where it hurts them  
 3                   most: at their lifeline, their funds.”<sup>4</sup>

4               51.    In July 1992, a Senate Committee Report explained that the ATA's treble damages  
 5                   provision “would interrupt, or at least imperil, the flow of money” to terrorist organizations.<sup>5</sup>

6               52.    In October 1992, Congress enacted ATA's civil provisions, including 18 U.S.C. §  
 7                   2333.

8               **B.    The “Material Support” Statutes and Regulations**

9               53.    On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under  
 10                  the North Tower of the World Trade Center in New York City, attempting to cause the collapse of  
 11                  both towers and the death of thousands of Americans.

12               54.    Although the damage from the World Trade Center bombing was limited, it  
 13                  nevertheless killed six people and injured more than one thousand.

14               55.    In response, Congress again took aim at the resources available to terrorists in  
 15                  September 1994 and enacted 18 U.S.C. § 2339A, making it a crime to provide material support or  
 16                  resources to terrorists, knowing or intending that they would be used for terrorist acts.

17               56.    In April 1996, Congress expanded the prohibition of providing material support or  
 18                  resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide  
 19                  material support or resources to a designated foreign terrorist organization, without regard to how  
 20                  such support or resources will be used.

21  
 22  
 23  
 24  
 25  
 26               <sup>4</sup> 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

27               <sup>5</sup> S. Rep. No. 102-342 at 22 (1992).

57. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried out terrorist hijackings of civilian aircraft in the United States with the purpose of crashing them into various targets, causing enormous damage and mass murder (the “9/11 Attacks”).

58. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the World Trade Center towers, causing the fiery collapse of both towers, a third aircraft was crashed into the U.S. military headquarters known as the Pentagon, and a fourth aircraft was crashed into a field.

59. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and caused more than \$10 billion in damage to property.

60. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush issued Executive Order No. 13224 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”).

61. In Executive Order No. 13224, President Bush found that “grave acts of terrorism and threats of terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,” and he declared a national emergency to deal with such threats.

62. Executive Order No. 13224 legally blocked all property and interests in property of “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their subsidiaries, front organizations, agents, and associates.

63. Executive Order No. 13224's prohibitions remain in effect.

1           64. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal  
 2 offense. *See* 50 U.S.C. § 1705.

3           65. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October  
 4 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which amended the  
 5 “material support” statutes, 18 U.S.C. §§ 2339A-B, to increase the criminal penalties for violating  
 6 these statutes and to expand the definition of “material support or resources” prohibited thereby.

7           **C. The Justice Against Sponsors of Terrorism Act (“JASTA”)**

8           66. In September 2016, Congress enacted JASTA, which amended the ATA’s civil  
 9 provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist  
 10 organizations who plan, prepare, or carry out acts of international terrorism.

12           67. In enacting JASTA, Congress made a number of specific findings, including the  
 13 following:

14           “Persons, entities, or countries that knowingly or recklessly contribute  
 15 material support or resources, directly or indirectly, to persons or  
 16 organizations that pose a significant risk of committing acts of terrorism  
 17 that threaten the security of nationals of the United States or the national  
 18 security, foreign policy, or economy of the United States, necessarily direct  
 19 their conduct at the United States, and should reasonably anticipate being  
 20 brought to court in the United States to answer for such activities.”<sup>6</sup>

21           68. Congress also specifically stated that the purpose of JASTA as follows:

22           “Purpose.--The purpose of this Act is to provide civil litigants with the  
 23 broadest possible basis, consistent with the Constitution of the United  
 24 States, to seek relief against persons, entities, and foreign countries,  
 25 wherever acting and wherever they may be found, that have provided  
 26 material support, directly or indirectly, to foreign organizations or persons  
 27 that engage in terrorist activities against the United States.”<sup>7</sup>

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28           <sup>6</sup> JASTA § 2(a)(6).

29           <sup>7</sup> JASTA § 2(b).

1           **II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION**

2           **A. Al-Zarqawi and the Internet as a New Weapon in the Global Terrorist's Arsenal**

3           69.       In the late 1980's, Abu Musab al-Zarqawi ("al-Zarqawi") left his native Jordan and  
4 traveled briefly to Afghanistan to join radical Islamists fighting against Soviet forces at that time.

5           70.       When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the  
6 Jordanian monarchy and establishing an Islamic state in Jordan and formed a local radical Islamist  
7 group called *Jund al-Sham*.

8           71.       In 1992, when a cache of guns and explosives were discovered in his home, al-  
9 Zarqawi was arrested and imprisoned in Jordan.

10           72.       After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he  
11 met with *al-Qaeda* leader Osama Bin-Laden ("Bin-Laden") and reportedly received \$200,000 in  
12 "seed money" from Bin-Laden to establish a *jihadi* training camp near the border of Iran.

13           73.       Al-Zarqawi soon formed a new radical Islamist terrorist group called "*Jam'at al*  
14 *Tawhid wa'al-Jihad*" ("*The Monotheism and Jihad Group*"), popularly known as "*al-Tawhid*" or  
15 "*The Zarqawi Network*."

16           74.       The following is a picture of al-Zarqawi and the *al-Tawhid* flag:



24           *Figure 3 al-Zarqawi*

5 *Figure 4 al-Tawhid flag*

6 75. On September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially  
 7 Designated Global Terrorist (“SDGT”) pursuant to Executive Order No. 13224.

8 76. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in  
 9 which violent attacks on non-believers, heretics, and apostates are not only justified but religiously  
 10 mandated.

12 77. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic  
 13 state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and govern  
 14 the world.

15 78. Al-Zarqawi’s successors, including the “Islamic State” today, maintain al-Zarqawi’s  
 16 vision of Islam, teaching that true Muslims have an obligation to engage in *jihad* (“holy war”), using  
 17 intimidation, violence, and killing to establish Sunni Islamic dominance.

19 79. At the beginning of 2004, Osama bin Ladin’s terrorist organization *al-Qaeda*—  
 20 having carried out the 9/11 Attacks on the United States—was still the dominant symbol of global  
 21 terrorism.

22 80. In January 2004, al-Zarqawi reportedly sought to be officially recognized by bin-  
 23 Laden as part of *al-Qaeda*’s global *jihadi* movement, but without success.

25 81. Over the course of 2004, al-Zarqawi began to use the Internet to promote his  
 26 particularly savage form of *jihad* and gain widespread notoriety.

1       82.     While al-Zarqawi was not the first to use the Internet to promote and engage in *jihad*,  
 2 he is known as a figure who embraced internet technology and communication to promote terrorism,  
 3 taking terror on the internet to a new level.

4       83.     Al-Zarqawi combined shocking images of graphic violence and cruelty with the  
 5 Internet to fashion a new psychological weapon in the service of terrorism.

6       84.     Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained:  
 7 “While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to  
 8 disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce  
 9 graphic videos that would never have been shown on the mainstream media.”<sup>8</sup>

11       85.     For example, on May 11, 2004, al-Zarqawi’s group posted a link on the *jihadi*  
 12 internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-*  
 13 *Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi slaughters  
 14 an American infidel with his own hands” (the “Berg Video”).

15       86.     The Berg Video showed five hooded terrorists dressed in black standing behind  
 16 abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an orange  
 17 jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at  
 18 Guantanamo Bay).

20       87.     The following is a screen clip from the Berg Video:

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27       8     Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), [http://articles.sun-sentinel.com/2006-06-09/news/0606081728\\_1\\_al-zarqawi-al-jazeera-rita-katz](http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz).



5 *Figure 5 Clip From Video of Murder of Nicholas Berg*

6 88. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) 7  
 8 read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, 9  
 9 after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

10 89. The *al-Ansar* internet forum quickly crashed due to the volume of traffic and 11  
 11 attempted downloads of the Berg Video from the site.

12 90. Nevertheless, before the website crashed, forum members copied the Berg Video 13  
 13 from the *al-Ansar* forum to other sites and it was thus downloaded thousands of times and still 14  
 14 circulates on the internet today.

15 91. Despite the relatively low quality of the Berg Video and the technical difficulties 16  
 16 involved in its distribution, The Atlantic magazine later reported: "With the slash of a knife, al- 17  
 17 Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's 18  
 18 success was possible because he had anticipated the importance of the Internet—an increasingly 19  
 19 important weapon in the global terrorist arsenal."<sup>9</sup>

20 92. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full 21  
 21 hour-long propaganda video titled, "The Winds of Victory."

22  
 23  
 24  
 25  
 26  
 27 <sup>9</sup> Nadya Labi, "Jihad 2.0," *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

1           93. The “Winds of Victory” video opened with the nighttime bombing of the city of  
 2 Baghdad by U.S. forces while mocking captions flashed the words “Democracy” and “Freedom” in  
 3 Arabic across the screen.

4           94. The nighttime bombing was then contrasted with graphic scenes in full daylight of  
 5 mutilated Iraqi children ostensibly injured by the attacks, and pictures showing abuse of Iraqi  
 6 captives held by American soldiers at Abu Ghraib prison.

7           95. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi  
 8 Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed by  
 9 footage of their bombing attacks, often from multiple angles.

10          96. As the release of “The Winds of Victory” preceded the development of YouTube, al-  
 11 Zarqawi’s group did not have the internet capability to mass-distribute a single 90-megabyte video  
 12 file, so the hour-long video had to be broken into chapters and released on internet *jihadi* forums  
 13 piecemeal over the course of several weeks.

14          97. In the months to come, al-Zarqawi and his followers continued to carry out and  
 15 record more beheadings of foreign captives and post videos of these murderous atrocities on *jihadi*  
 16 internet forums.

17          98. Among the videos posted on *jihadi* internet forums of al-Zarqawi and his followers  
 18 beheading foreign captives in 2004 were the following:

- 21           a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June  
 22           2004;
- 23           b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- 24           c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- 25           d. Twelve Nepali citizens murdered on video, one was beheaded and the others were  
 26           shot, in August 2004;

- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

99. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group *al-Tawid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA, 8 U.S.C. § 1189.

100. These SDGT and FTO designations have been updated from time to time to include ISIS's various names and aliases including, among others, "*al-Qaeda in Iraq*," "*The Islamic State of Iraq*," "*The Islamic State of Iraq and Syria*," and "*The Islamic State*," and remain in effect today.

101. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

102. According to BBC Security Correspondent Gordon Corera, “[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin Laden.”<sup>10</sup>

103. Corera explained that, even though al-Zarqawi's terrorist group was estimated to have only between 50 to 500 members at this time, "they exercise[d] an exaggerated degree of

<sup>10</sup> Gordon Corera, "Unraveling Zarqawi's al-Qaeda Connection," *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/tm/single/?tx\\_ttnews%5Btt\\_news%5D=27306&tx\\_ttnews%5BbackPid%5D=179&no\\_cache=1#.V49OsjXdlrZ](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49OsjXdlrZ).

1 influence due to their coupling of extreme violence with an acute understanding of the power of the  
 2 media.”<sup>11</sup>

3 104. Al-Zarqawi becomes a figure *al-Qaeda* could not ignore: according to terrorism  
 4 analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be “outdone”  
 5 by al-Zarqawi, “bin-Laden himself wanted to ‘own’ the Iraq jihad as well as remain relevant while  
 6 hiding from the United States.”<sup>12</sup>

7 105. In late 2004, al-Zarqawi finally received the official recognition he sought: on  
 8 October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and  
 9 *al-Qaeda* accepted and publicized al-Zarqawi’s oath to bin-Laden in its online magazine *Mu’askar*  
 10 *al-Battar* on October 25, 2004.

12 106. On December 27, 2004, Al Jazeera television broadcast an audiotape of bin-Laden  
 13 calling al-Zarqawi “the prince of al Qaeda in Iraq” and asking “all our organization brethren to listen  
 14 to him and obey him in his good deeds.”<sup>13</sup>

15 107. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-*  
 16 *Rafidayn*” (“Organization of Jihad’s Base in the Land of Two Rivers [Iraq]”), and it became  
 17 commonly known as “*al-Qaeda* in Iraq” (“AQI”).

19 108. The following is a picture of the AQI flag:

24  
 25 <sup>11</sup> *Id.*

26 26 Aaron Y. Zelin, “The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist  
 27 Movement,” *The Washington Institute for Near East Policy* (June 2014), [http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote\\_20\\_Zelin.pdf](http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf).

28 27 <sup>13</sup> “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

5 *Figure 6 AQI Flag*

6 109. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater  
 7 legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to  
 8 *al-Qaeda*'s important private donors and recruitment, logistics, and facilitation networks.  
 9

10 110. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed  
 11 attained "an international name 'of enormous symbolic importance' . . . on a par with bin-Laden,  
 12 largely because of his group's proficiency at publicizing him on the Internet."<sup>14</sup>

13 111. However, al-Zarqawi's notoriety was not without cost: on June 7, 2006, Al-Zarqawi  
 14 was targeted and killed by a U.S. airstrike.  
 15

#### **B. AQI Rebrands Itself as the Islamic State of Iraq**

16 112. Prior to Al-Zarqawi's death, AQI and allied groups in Iraq joined together to create  
 17 a "Mujahideen Shura Council."

19 113. In October 2006, after al-Zarqawi's death, the Mujahideen Shura Council released a  
 20 video declaring the establishment of what it called "The Islamic State of Iraq" ("ad-Dawlah al-'Iraq  
 21 al-Islamiyah") ("ISI").

22 114. Although the video of the announcement of ISI was originally posted on *jihadi*  
 23 website forums, in December 2006 ISI supporters posted the video on YouTube.  
 24

25  
 26  
 27 14 Susan B. Glasser and Steve Coll, "The Web as Weapon," *The Washington Post* (Aug. 9, 2005),  
 28 <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

1 115. The following are screen clips from the video posted on YouTube with English  
2 subtitles:



8 *Figure 7 Scene from ISIS Video*



14 *Figure 8 Scene from ISIS Video*

15 116. The United States and its allies, nevertheless, generally continued to call the group  
16 “al-Qaeda in Iraq” or AQI.

17 117. Although ISI’s reach was still limited, its goal was to take control of the western and  
18 central areas of Iraq and turn it into a Sunni Islamic religious state.

19 118. The following is a picture of the ISI flag (which also remains the flag of ISIS):  
20



25 *Figure 9 ISIS Flag*

26 **C. ISI Expands into Syria to Become ISIS**  
27

1 119. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new  
 2 leader.

3 120. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly  
 4 establishing and supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria  
 5 since August 2011.

6 121. In his announcement, Abu Bakr declared that ISI and *al-Nusra* were now officially  
 7 merged under the name “*ad-Dawlah al-Islamiyah fil-‘Iraq wash-Sham*” (“The Islamic State of Iraq  
 8 and Syria” or “ISIS”<sup>15</sup>).

10 122. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many  
 11 *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to ISIS.

12 123. ISIS took advantage of this shift to establish a substantial official presence in Syria  
 13 almost overnight, and to take control of additional Syrian areas in the following months, including  
 14 the northeastern Syrian city of Raqqa, which ISIS declared as its capital.

16 124. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants and  
 17 declared members of other Muslim sects in the city to be infidels.

18 125. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS  
 19 accused of engaging in activities ISIS considered anti-Islamic.

20 126. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling  
 21 the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and  
 22 leaving their remains in the public square.

24  
 25 \_\_\_\_\_  
 26 15 The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an  
 27 historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to  
 identify the same terrorist organization depending upon translation. ISIS is also known (primarily  
 by its detractors) as “DAESH,” an acronym based upon its Arabic name.

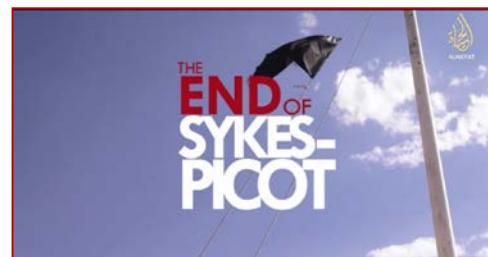
127. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda*'s leader  
 1 Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.  
 2

3 128. On February 3, 2014, al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

4 **D. ISIS Proclaims an Islamic Caliphate on YouTube and Expands its Reach of Terror**

5 129. On June 29, 2014, ISIS used YouTube to post a video titled "The End of Sykes-  
 6 Picot," in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as  
 7 the basis for the nation-states of the Middle East, and shatter all the borders to form a single Islamic  
 8 state.  
 9

10 130. The following is a screen clip from the ISIS video "The End of Sykes-Picot":



11  
 12  
 13  
 14  
 15 *Figure 10 Scene from ISIS Video "The End of Sykes-Picot"*  
 16

17 131. Also on June 29, 2014, ISIS used YouTube to post an audio message titled "This is  
 18 the Promise of Allah," in which ISIS spokesman Abu Muhammad al-Adnani declared the  
 19 establishment of ISIS as a worldwide "Islamic Caliphate"<sup>16</sup>—an Islamic religious state to which all  
 20 Muslims must submit and pledge fealty—with Abu Bakr as its "Caliph" (ruler).

21 132. The following is an ISIS graphic promoting the video "This is the Promise of Allah":  
 22  
 23  
 24  
 25  
 26

---

27  
 28 <sup>16</sup> At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* ("The Islamic State" or  
 "IS"). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.



4 *Figure 11 ISIS Graphic "This is the Promise of Allah"*

5 133. ISIS has claimed that it is destined to establish its rule worldwide.

6 134. Several smaller Islamist terrorist groups have taken control of territory within other  
7 countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such  
8 territories to be "provinces" of the ISIS Caliphate.

9 **E. Official Terrorist Designations of ISIS**

10 135. Not only have ISIS's claims of statehood and sovereignty been rejected by countries  
11 worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the  
12 European Union, and numerous governments around the world, including the United States, Britain,  
13 Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt,  
14 India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

15 136. Since October 15, 2004 and still today, ISIS is a designated foreign terrorist  
16 organization ("FTO") pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

17 137. Knowingly providing material support or resources to ISIS, a designated FTO, is a  
18 federal criminal offense under 18 U.S.C. § 2339B.

19 138. Since October 15, 2004, and still today, ISIS is a specially designated global terrorist  
20 ("SDGT") under Executive Order No. 13224.

21 139. Federal law prohibits "making of any contribution or provision of funds, goods, or  
22 services by, to, or for the benefit of any [SDGT]," including ISIS, and a violation of these  
23 prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

1                   **III. ISIS'S EXTENSIVE USE OF DEFENDANT'S SERVICES**

2                   **A. ISIS is Dependent on Twitter, Facebook, and YouTube to Terrorize: ISIS Uses Defendants**  
**to Recruit New Terrorists.**

3                   140. One of ISIS's primary uses of Defendants' sites is a recruitment platform,  
4 particularly to draw fighters from Western countries.

6                   141. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook,  
7 and YouTube so that individuals across the globe may reach out to them directly. After the first  
8 contact, potential recruits and ISIS recruiters often communicate via Defendants' Direct  
9 Messaging capabilities. According to former FBI Director James Comey, "[o]ne of the challenges  
10 in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might  
11 be willing to travel or kill in place they will begin a Twitter direct messaging contact." Indeed,  
12 according to the Brookings Institution, some ISIS members "use Twitter purely for private  
13 messaging or covert signaling."

15                   142. In addition to individual recruitment, ISIS members use Defendants to post  
16 instructional guidelines and promotional videos referred to as "mujatweets."

17                   143. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting  
18 Westerners and instructing them on how to travel to the Middle East to join its fight.

20                   144. That same month, ISIS posted a recruitment video on various social media sites,  
21 including Defendants. Although YouTube removed the video from its site, the link remained  
22 available for download from Twitter. The video was further promoted through retweets by accounts  
23 associated with ISIS.

24                   145. ISIS also posted its notorious promotional training video, "Flames of War," narrated  
25 in English, in September 2014. The video was widely distributed on Twitter through ISIS

1 sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using  
 2 Defendants to advertise their membership and terrorist activities.

3 146. For example, in May 2013, a British citizen who publicly identified himself as an  
 4 ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to  
 5 join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian  
 6 female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS  
 7 cause, as she embarked for Syria.

8 147. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use of  
 9 Facebook to travel to Syria believing they would be providing humanitarian aid<sup>17</sup>. Instead, they  
 10 were taken to an ISIS compound where there were forced to serve as prostitutes and were repeatedly  
 11 raped. The girls escaped during a bombing of the compound and returned home.

12 148. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar  
 13 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.<sup>18</sup>

14 149. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and  
 15 activist, ISIS used her account to lure others into supporting ISIS<sup>19</sup>.

16 150. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign  
 17 recruits since 2013, including some 4,500 Westerners and 250 Americans.

18 **B. ISIS Uses Defendants to Fund Terrorism**

19 151. ISIS also uses Defendants to raise funds for its terrorist activities.

20 \_\_\_\_\_  
 21 <sup>17</sup> <http://www.teenvogue.com/story/isis-recruits-american-teens>

22 <sup>18</sup> <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

23 <sup>19</sup> <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

152. According to David Cohen, the U.S. Treasury Department's Under Secretary for  
 1 Terrorism and Financial Intelligence, “[y]ou see these appeals on Twitter in particular from, you  
 2 know, well-know[n] terrorist financiers . . . and they're quite explicit that these are to be made to  
 3 ISIL for their military campaign.”

153. The Financial Action Task Force confirms that “individuals associated with ISIL  
 6 have called for donations via Twitter and have asked the donors to contact them.” These tweets even  
 7 promote “donation tiers.” One ISIS-linked cleric with the Twitter account @Jahd\_bmalk, for  
 8 instance, sought donations for weapons with the slogan “Participate in Jihad with your Money.” The  
 9 account tweeted that “if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a  
 10 ‘silver status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor  
 11 will earn the title of ‘gold status’ donor.” According to various tweets from the account, over 26,000  
 12 Saudi Riyals (almost \$7,000) were donated.



22 *Figure 12 Fundraising Images from ISIS Twitter Accounts*

23 154. A similar Twitter campaign in the spring of 2014 asked followers to “support the  
 24 Mujahideen with financial contributions via the following reliable accounts” and provided contact  
 25 information for how to make the requested donations.

155. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash  
 1 gold bars and luxury cars that it received from donors, as well as weapons purchased with the  
 2 proceeds.



12 *Figure 13 Donations to ISIS Publicized on Twitter*

13 156. As discussed more fully below, YouTube approves of ISIS videos allowing for ads  
 14 to be placed with ISIS videos. YouTube earns revenue from these advertisements and shares a  
 15 portion of the proceeds with ISIS.

16 157. Below is an example of a video posted by ISIS on YouTube with a member speaking  
 17 in French looking for Muslims to support ISIS's cause online.



27 *Figure 14 Screenshot from ISIS Video Posted on June 17, 2015*

## **C. ISIS Uses Defendant's Sites to Spread Its Terror Propaganda**

158. Defendants' platforms have played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

159. ISIS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

160. ISIS's use of violence and threats of violence is part of its program of terrorism, designed *inter alia* to gain attention, instill fear and "terror" in others, send a message, and obtain results.

161. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or “end” of ISIS’s terror attacks; rather, ISIS uses terror attacks as a “means” to communicate and accomplish its broader objectives.

162. ISIS uses terrorism as a psychological weapon.

163. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desire to achieve via the terrorist attack.

164. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its intended audiences, without intermediaries and without interference.

165. Defendants provide ISIS with a unique and powerful tool of communication that enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's program of terrorism.

166. Defendants' platforms enable ISIS to communicate its messages directly to intended  
 1 audiences without having to go through the filter of commercial media, and it enables ISIS to have  
 2 greater access to the commercial media to further its goals as well.

167. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and  
 5 giving instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats,  
 6 attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks,  
 7 intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired  
 8 messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results  
 9 from the terror attacks, and influence and affect government policies and conduct.

168. ISIS thus uses Defendants' platforms to actually carry out essential communication  
 11 components of ISIS's terror attacks.

169. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of  
 14 terrorism.

170. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and  
 16 YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and  
 17 legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding  
 18 the murderous crimes it commits and its status as an illegal terrorist organization.

171. In defiance of federal criminal laws that prohibit providing services to designated  
 21 terrorists, Defendants enable ISIS terrorists to come out of hiding and present a public face under  
 22 their own brand and logo, and under the brands and logos of American companies: Facebook,  
 23 Twitter, and Google.

172. Defendants' provision of support to ISIS is not simply a matter of whether ISIS  
 25 abuses its use of Defendants' Services, or whether Defendants abuse their editorial judgment  
 26

1 regarding the content of ISIS's postings; under federal law, Defendants have no discretion about  
 2 whether to provide its Services to ISIS—it is prohibited by law from doing so.

3 173. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting  
 4 graphic photos and videos of its terrorist feats.

5 174. Through Defendants' sites, ISIS disseminates its official media publications as well  
 6 as posts about real-time atrocities and threats to its perceived enemies.

7 175. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in  
 8 Iraq, and its subsequent execution of Iraqi army officers.

9 176. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a  
 10 man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu  
 11 Dahr, identified as the "suicide bomber that attacked the Iranian embassy."

12 177. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as  
 13 the killing of an Iraqi cameraman.

14 178. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed  
 15 head perched on his legs. The accompanying tweet read: "This is our ball . . . it has skin on it."  
 16 ISIS then hashtagged the tweet with the handle #WorldCup so that the image popped up on the  
 17 feeds of millions following the soccer challenge in Brazil.

18 179. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75  
 19 Syrian soldiers who had been captured during the Syrian conflict.

20 180. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-  
 21 old son holding the decapitated head of a Syrian soldier.

22 181. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos  
 23 on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army  
 24 Sergeant Ali al-Sayyed.

1           182. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans  
 2 under the hashtags #WarOnWhites and #AMessagefromISIStoUS, including posting gruesome  
 3 photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung  
 4 from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11  
 5 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to  
 6 kill all Americans “wherever you are.”

7           183. Various ISIS accounts have also tweeted pictures and videos of the beheadings of  
 8 Americans James Foley, Steven Sotloff, and Peter Kassig.

9           184. To keep its membership informed, in April 2014, ISIS created an Arabic-language  
 10 Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to thousands  
 11 of users’ accounts, the content of which is controlled by ISIS’s social media operation. The tweets  
 12 include hashtags, links, and images related to ISIS’s activities. By June 2014, the app reached a high  
 13 of 40,000 tweets in one day as ISIS captured Mosul, Iraq.

14           185. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists  
 15 thousands of members to repetitively tweet hashtags at certain times of the day so that they trend on  
 16 Twitter, meaning a wider number of users are exposed to the tweets. One such campaign dubbed a  
 17 “Twitter storm,” took place on June 8, 2014, and led to a surge in followers.

18           186. In 2014, propaganda operatives from ISIS posted videos of photojournalist John  
 19 Cantile and other captors on both Twitter and YouTube.<sup>20</sup> These operatives used various techniques  
 20 to ensure that ISIS’s posting was spread using Defendants’ sites. In her New York Times article,  
 21 (Not “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-2/5/17), Rakmini  
 22

---

23  
 24  
 25  
 26  
 27           <sup>20</sup> <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

1 Callimachi acknowledges that because of Twitter and other social media, “In the most basic enabled  
 2 attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence.  
 3 ... Because the recruits are instructed to use encrypted messaging applications, the guiding role  
 4 played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe,  
 5 Asia, and the United States ... were initially labeled the work of “lone wolves”, ... and only later  
 6 discovered to have direct communications with the group discovered.”  
 7

**D. Twitter’s Services**

8 187. Twitter is an online news and social networking service that provides sophisticated  
 9 yet easy-to-use online products and services (collectively, “Services”). Twitter’s network allows  
 10 users to publicly connect with its more than 100 million users through “following” other accounts,  
 11 as well as through “tweets,” or 140 character posts.  
 12

13 188. Twitter’s Services include the use of Twitter’s computer infrastructure, network,  
 14 applications, tools and features, communications services, and more.  
 15

16 189. Certain uses or features of Twitter’s Services are only available to its registered users,  
 17 who register and establish an account with Twitter by inputting identifying information and clicking  
 18 on a “sign up” button.  
 19

20 190. For example, only registered users may establish a Twitter “account,” “follow” and  
 21 “Direct Message” other Twitter accounts, post tweets and videos on Twitter’s platform, or post  
 22 comments on a Twitter user’s posted tweets.  
 23

24 191. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
 25 Twitter’s Services to proceed with registration.  
 26

27 192. Twitter’s platform can be used to post and distribute content or videos publicly, or  
 28 privacy settings are available to enable users to communicate, share, or distribute videos or messages  
 privately.  
 29

193. Twitter enables registered users to “follow” other Twitter accounts and receive  
 1 notifications of new content, videos, or messages posted by those accounts.  
 2

194. Twitter generally provides its platform and services to registered users free of charge.  
 3

4 **E. ISIS and Twitter**

195. For years, the media has reported on the ISIS’s use of Defendants’ social media  
 6 sites and their refusal to take any meaningful action to stop it.  
 7

196. In December 2011, the New York Times reported that the terrorist group al-  
 8 Shabaab, “best known for chopping off hands and starving their own people, just opened a  
 9 Twitter account and have been writing up a storm, bragging about recent attacks and taunting  
 10 their enemies.”  
 11

197. That same month, terrorism experts cautioned that “Twitter terrorism” was part  
 13 of “an emerging trend” and that several branches of *al-Qaeda* were using Twitter to recruit  
 14 individuals, fundraise and distribute propaganda more efficiently. New York Times  
 15 correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism,  
 16 acknowledges that social media and specifically Twitter, allows her to “get inside the minds of  
 17 ISIS”. Moreover, Callimachi acknowledges, “Twitter is the main engine” in ISIS  
 18 communication, messaging and recruiting. “Al Qaeda (and now ISIS) have created a structure  
 19 that was meant to regenerate itself and no longer be dependent on just one person (bin Laden).  
 20 The Ideology is now a living, breathing thing, because of Twitter. You no longer have to go to  
 22 some closed dark-web forum to see their stuff.” Using Twitter, you don’t need to even know the  
 23 exact address to gain access to messages. “With Twitter, you can guess; you look for certain  
 25 words and you end up finding these accounts. And then it’s kind of organic; You go to one  
 26 account, then you go to their followers and you follow all those people, and suddenly you’re in  
 27 the know.” (Rukmini Callimachi, Wired.com, 8/3/16.)  
 28

198. On November 20, 2015, Business Insider reported that ISIS members have been  
 1 providing a 34-page guide to operational security and communications available through  
 2 multiple social media platforms which delivers instructions to users about communications  
 3 methods including specifics in the use of Twitter, for purposes of recruiting and radicalizing in  
 4 the United States.

199. On October 14, 2013, the BBC issued a report on “The Sympatic,” “one of the  
 7 most important spokesmen of the Islamic State of Iraq and the Levant on the social contact  
 8 website Twitter” who famously tweeted: “I swear by God that with us there are mujahideen who  
 9 are not more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame  
 10 on you.”

200. On October 31, 2013, Agence France-Presse reported on an ISIS video  
 13 depicting a prison break at Abu Ghraib and the execution of Iraqi army officers that was  
 14 “posted on jihadi forums and Twitter.”

201. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for  
 16 weapons, food, and operations. The next day, Seth Jones, Associate Director of International  
 17 Security and Defense Policy Center, stated in an interview on CNN that Twitter was widely used  
 18 by terrorist groups like ISIS to collect information, fundraise and recruit. “Social media is where  
 19 it’s at for these groups,” he added.

202. On August 21, 2014, after ISIS tweeted out the graphic video showing the  
 22 beheading of American James Foley, the Wall Street Journal warned that Twitter could no longer  
 23 afford to be the “Wild West” of social media.

203. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who  
 25 observed that “[f]or several years, ISIS followers have been hijacking Twitter to freely promote  
 26 their jihad with very little to no interference at all. . . . Twitter’s lack of action has resulted in  
 27 a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns

1 to mobilize, recruit and terrorize.”

2 204. Throughout this period, both the U.S. government and the public at large have  
 3 urged Defendants to stop providing its services to terrorists.

4 205. In December 2011, an Israeli law group threatened to file suit against Twitter for  
 5 allowing terrorist groups like Hezbollah to use its social network in violation of U.S. anti-terrorism  
 6 laws.

7 206. In December 2012, several members of Congress wrote to FBI Director Robert  
 8 Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist  
 9 groups.

10 207. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House  
 11 Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a terrorist using  
 12 Twitter, Twitter has not shut down or suspended a single account.” “Terrorists are using Twitter,”  
 13 Rep. Poe added, and “[i]t seems like it’s a violation of the law.” In 2015, Rep. Poe again reported  
 14 that Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements  
 15 to violence by terrorists.

16 208. Recently, former Secretary of State Hillary Clinton has urged Defendants to  
 17 become more aggressive in preventing ISIS from using its network. “Resolve means depriving  
 18 jihadists of virtual territory, just as we work to deprive them of actual territory,” she told one  
 19 audience. Later, Secretary Clinton stated that Twitter and other companies “cannot permit the  
 20 recruitment and the actual direction of attacks or the celebration of violence by this sophisticated  
 21 Internet user. They’re going to have to help us take down these announcements and these appeals.”

22 209. On January 7, 2016, White House officials announced that they would hold  
 23 high-level discussions with Defendants to encourage them “to do more to block terrorists” from  
 24 using their services. “The primary purpose is for government officials to press the biggest

1 Internet firms to take a more proactive approach to countering terrorist messages and recruitment  
 2 online. . . . That issue has long vexed U.S. counterterrorism officials, as terror groups use  
 3 Twitter . . . to spread terrorist propaganda, cultivate followers and steer them toward committing  
 4 violence. But the companies have resisted some requests by law-enforcement leaders to take  
 5 action . . .”

6 **F. Facebook’s Services**

7 210. Facebook is an online social media and social networking service that provides  
 8 sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook  
 9 allows users to connect with “friends,” a connection that allows for the exchange of messages,  
 10 posting of status updates and digital photos, sharing of digital videos and links to online content, as  
 11 well as the use of various software applications.

12 211. Facebook’s Services include the use of Facebook’s computer infrastructure, network,  
 13 applications, tools and features, communications services, and more.

14 212. Certain uses or features of Facebook’s Services are only available to its registered  
 15 users, who register and establish an account with Facebook by inputting identifying information and  
 16 clicking on a “sign up” button.

17 213. For example, only registered users may establish a Facebook “account,” add or  
 18 communicate with “friends” on Facebook’s platform, privately message friends or businesses  
 19 through Facebook’s “Messenger” application, or post status and video updates or comments on the  
 20 page of a Facebook account or video.

21 214. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
 22 Facebook’s Services to proceed with registration.

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1           215. Facebook's platform can be used to post and distribute content and videos publicly,  
 2 or privacy settings are available to enable users to communicate, share, or distribute videos or  
 3 messages privately.

4           216. Facebook enables registered users to "friend request," "like," or "follow," other  
 5 Facebook accounts in order to receive notifications of new content, videos or messages posted by  
 6 those accounts.

7           217. Facebook generally provides its platform and services to registered users free of  
 8 charge.

9           **G. ISIS and Facebook**

10           218. On January 10, 2012, CBC News Released an article stating that Facebook is  
 11 being used by terrorist organizations for recruitment and to gather military and political  
 12 intelligence. "Many users don't even bother finding out who they are confirming as 'friend' and  
 13 to whom they are providing access to a large amount of information on their personal life. The  
 14 terrorists themselves, in parallel, are able to create false profiles that enable them to get into  
 15 highly visible groups," he said.<sup>21</sup>

16           219. On January 10, 2014, the Washington Post released an article titled *Why aren't*  
 17 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*<sup>22</sup>

18           220. In June 2014, the Washington Times reported that Facebook is refusing to take  
 19 down a known ISIS terror group fan page that "has nearly 6,000 members and adoringly quotes  
 20

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21 <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

22 <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

1 Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006.”<sup>23</sup>

2 221. On August 21, 2014, the anti-defamation league explained that ISIS supporters on  
 3 Twitter have “not only promoted ISIS propaganda (primarily in English) but has also directed  
 4 supporters to his English-language Facebook pages (continuously replacing pages as they are  
 5 removed by Facebook for content violation) that do the same.”<sup>24</sup>

6 222. On October 28, 2015, at the Radicalization: Social Media And The Rise Of  
 7 Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police  
 8 Officers with an axe, posted on Facebook “Which is better, to sit around and do nothing or to wage  
 9 jihad.”<sup>25</sup>

10 223. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a  
 11 convert to Islam and ex-convict who had just been fired from his job at a food processing plant,  
 12 entered his former workplace and beheaded an employee with a knife. This attack combines  
 13 elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS  
 14 propaganda, a fact reflected on his Facebook page.”<sup>26</sup>

15 224. On November 11, 2015, it was reported that one of the attackers from a terrorist  
 16 bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for  
 17 any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional  
 18 videos circulating in Palestinian society these last few weeks, like the image, shared by thousands  
 19

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22  
 23 <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

24 <http://www.adl.org/combating-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

25 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

26 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

1 on Facebook, showing an anatomical chart of the human body with advice on where to stab for  
 2 maximal damage.”<sup>27</sup>

3 225. On December 4, 2015, The Counter Extremism Project released a statement that  
 4 “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people  
 5 pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat of ISIS  
 6 and violent Islamist extremist ideology knows no borders.”<sup>28</sup>

7 226. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are  
 8 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in  
 9 Libya are creating secret arms bazaars and hosting them on the massive social network. Because  
 10 of Facebook’s ability to create groups and to send secure payments through its Messenger  
 11 application, it works as the perfect platform for illegal deals.”<sup>29</sup>

13 **H. Google’s Services**

14 227. Google provides sophisticated yet easy-to-use online products and services  
 15 (collectively, “Services”), including the online video platform known as “YouTube.”

17 228. Google’s Services include the use of Google’s computer infrastructure, network,  
 18 applications, tools and features, communications services, and more.

19 229. Certain uses or features of Google’s Services are only available to its registered users,  
 20 who register and establish an account with Google by inputting identifying information and clicking  
 21 on a “sign up” button.

24  
 25 <sup>27</sup> [http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?\\_r=1](http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1)

26 <sup>28</sup> [http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm\\_content=buffer38967&utm\\_medium=social&utm\\_source=facebook.com&utm\\_campaign=buffer#sthash.iJjhU3bF.dpuf](http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJjhU3bF.dpuf)

27 <sup>29</sup> <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

1       230. For example, only registered users may establish a YouTube “channel,” post videos  
2 on Google’s YouTube platform, or post comments on the page of a YouTube channel or video.

3       231. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
4 Google’s Services to proceed with registration.

5       232. Google’s YouTube platform can be used to post and distribute videos publicly, or  
6 privacy settings are available to enable users to communicate, share, or distribute videos or messages  
7 privately.  
8

9       233. Google enables registered users to “subscribe” to YouTube “channels” in order to  
10 receive notifications of new videos or messages posted on those channels.

11       234. Google generally provides its YouTube platform and services to registered users free  
12 of charge.

13 **I. ISIS and YouTube**

14       235. ISIS has used YouTube as an extremely effective means of announcing and releasing  
15 its propaganda materials, which include music, speeches, graphic acts of violence, full-length videos  
16 and more, presenting an image of technical sophistication and advanced media capabilities.  
17

18       236. In November 2006, following the development of YouTube, ISIS (then known as  
19 AQI/ISI) announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-*  
20 *Furqan* Media”), which was to produce more professional and stylized video and other materials to  
21 be disseminated through online platforms.

22       237. *Al-Furqan* Media’s logo appears as follows:  
23  
24  
25  
26  
27



5 *Figure 15 Al-Furqan Logo*

6 238. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a  
 7 milestone on the path of Jihad; a distinguished media that takes the great care in the management of  
 8 the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the  
 9 Crusaders’ media.”<sup>30</sup>

10 239. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June  
 11 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described  
 12 the extensive scope of the office’s operations as follows:

13 “[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-  
 14 related propaganda products and contained documents clearly identifying al  
 15 Qaeda in Iraq[/ISI]’s intent to use media as a weapon.

16 . . .  
 17 The building contained 65 hard drives, 18 thumb drives, over 500 CDs and  
 18 12 stand-alone computers . . . In all, this media center had the capacity of  
 19 reproducing 156 CDs in an eight-hour period and had a fully functioning  
 20 film studio.

21 . . .  
 22 [U.S. forces also found] a sampling of other propaganda documents: a letter  
 23 that gives instructions on how to use the media to get out the al Qaeda [in  
 24 Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report  
 25 highlighting car bomb, suicide, missile, mortar, sniping and IED  
 26 [improvised explosive device] attacks; a propaganda poster that encourages  
 27 filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on  
 28 coalition forces; and a pamphlet and a CD cover of their sniper school.”<sup>31</sup>

26 <sup>30</sup> See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War Journal*  
 27 (Oct. 28, 2007), [http://www.longwarjournal.org/archives/2007/10/us\\_targets\\_al\\_qaedas.php](http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php).

28 <sup>31</sup> *Id.*

1           240. ISIS's *al-Furqan* Media has used YouTube extensively to distribute its video  
 2 propaganda online.

3           241. In 2013, ISIS began a dramatic new expansion of its media production capabilities  
 4 and exploitation of YouTube and other social media.

5           242. In March 2013, ISI announced the formation of a second ISI media production arm  
 6 known as "al-*I'tisam* Media Foundation" ("al-*I'tisam* Media"), in addition to its already well-  
 7 established *al-Furqan* Media.

8           243. *Al-I'tisam* Media's logo appears as follows:



10           11           12           13           14           15           16           17           18           19           20           21           22           23           24           25           26           27           28           Figure 16 Al-*I'tisam* Media's logo

15           244. In August 2013, ISIS announced the formation of a third media production arm, the  
 16 "Ajnad Foundation for Media Production" (the "Ajnad Foundation"), specializing in audio content  
 17 that would also be distributed via YouTube as music videos, Islamic inspirational songs ("*nashids*")  
 18 that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be  
 19 posted on YouTube.

21           245. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have  
 22 reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions  
 23 and excitement prior to carrying out an attack.

24           246. The Ajnad Foundation's logo appears as follows:



Figure 17 Ajnad Foundation's Logo

247. In May 2014, ISIS launched a fourth media production department named “*al-Hayat Media Center*” (“*al-Hayat Media*”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with other internet platforms.

248. *Al-Hayat Media*’s logo appears as follows:



Figure 18 Al-Hayat Media's Logo

249. With its highly developed media production departments and various branded media outlets, ISIS has been able to create and distribute via YouTube video propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

250. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at

1 the U.S. Department of State, has called ISIS's media materials, "the gold standard for propaganda  
 2 in terms of its quality and quantity."<sup>32</sup>

3 251. Essential to the success of its media and terror campaigns—and to the success of  
 4 ISIS—has been ISIS's use of YouTube to disseminate its videos and messages and execute its  
 5 propaganda, recruitment, and operational campaigns; indeed, all of ISIS's media production  
 6 departments described above have used YouTube for this purpose.

7 252. ISIS has used YouTube to disseminate videos of its brutality and conquests as a  
 8 psychological weapon to strike fear in its enemies.

9 10 253. For example, in October 2013, ISIS used YouTube to post a video of a prison break  
 11 at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers, which served  
 12 to intimidate soldiers in the Iraqi army.

13 254. The following is an ISIS graphic promoting ISIS's October 2013 Abu Ghraib video:



21 *Figure 19 ISIS Graphic Promoting Abu Gharib Video*

22 255. In contrast to the days before the development of YouTube, when al-Zarqawi was  
 23 limited to releasing short, low-quality videos, on websites that could only handle limited traffic,

24  
 25  
 26 32 Dr. Erin Marie Saltman & Charlie Winter, "Islamic State: The Changing Face of Modern  
 27 Jihadism," Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

1 Google's YouTube platform and services provide ISIS with the ability to produce and disseminate  
 2 professional-quality feature films of any length to an unlimited audience.

3 256. For example, on March 17, 2014, ISIS's *al-I'tisam* Media used YouTube to release  
 4 an hour-long highly-graphic video titled, "The Clanging of the Swords 4," produced by ISIS's *al-*  
 5 *Furqan* Media.

6 257. The terrorism analysis website *Jihadica.com* reported that within 24 hours of the  
 7 video's publication on YouTube, "The Clanging of the Swords 4" had been viewed 56,998 times.<sup>33</sup>

8 258. ISIS has used YouTube to raise its profile among terror groups and even overtake  
 9 older jihadist competitors like *al-Qaeda*.

10 259. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-  
 11 Muslims, with the effect of instilling fear and terror in the "non-believers" while encouraging others  
 12 to join in ISIS's cause.

13 260. ISIS also uses YouTube to communicate with ISIS "sympathizers" and to provide  
 14 them with directions as well.

15 261. ISIS has engaged and continues to engage, in horrific terrorist atrocities against  
 16 civilians/non-combatants in every area it has operated, and has posted videos of such activity on  
 17 YouTube to spread even more fear.

18 262. ISIS has kidnapped innocent civilians and made various demands for their release,  
 19 and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of  
 20 its enemies and people it considers "apostates" or "infidels," all in front of the cameras for the  
 21 purpose of posting videos of these atrocities on YouTube.

22 \_\_\_\_\_  
 23  
 24  
 25  
 26 <sup>33</sup> Nica Prucha, "Is this the most successful release of a jihadist video ever?" *Jihadica.com*  
 27 (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

1           263. ISIS has directed and overseen the systematic rape and enslavement of captive  
 2 women and girls and has conducted a program of genocide against religious and ethnic groups, even  
 3 promoting the sale of women as slaves on YouTube.

4           264. ISIS has enforced its own strict interpretations of Islamic law in the areas it has  
 5 captured, meting out punishments including whipping, amputation, and death to those who fail or  
 6 refuse to comply, again using YouTube to post videos praising these punishments.

7           265. ISIS has paraded captives before cameras and forced them to give statements for ISIS  
 8 propaganda, and it has become infamous for its use of YouTube to broadcast worldwide its cruel  
 9 and ever-unusual executions of captives for their shocking and terror-inducing effect.

10          266. Using YouTube and other social media, ISIS has recruited, and continues to recruit,  
 11 individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks  
 12 and participating in its terrorist activities and atrocities.

13          267. Tens of thousands of people from around the world have viewed ISIS's propaganda  
 14 on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.

15          268. ISIS's use of YouTube has enabled the terrorist organization to produce and  
 16 distribute high-quality videos by dedicated professional ISIS media personnel.

17          269. For example, in June 2014, ISIS's *al-Hayat* Media used YouTube to launch and  
 18 propagate a series of videos called the "MujaTweets," claiming to show "snippets of day-to-day life  
 19 in the 'Islamic State'" to portray life under ISIS as peaceful and normal.

20          270. The Huffington Post described the quality of ISIS's propaganda videos as follows:<sup>34</sup>

21                   When it comes to producing recruitment and propaganda  
 22 videos...unaffiliated supporters leave room to a much smaller group of

23  
 24  
 25  
 26          <sup>34</sup> Alessandro Bonzio, "ISIS' Use of Social Media Is Not Surprising; Its Sophisticated Digital  
 27 Strategy Is," The Huffington Post (Nov. 14, 2014), [http://www.huffingtonpost.co.uk/alessandro\\_bonzio/isisuseofsocialmedia\\_b\\_5818720.html](http://www.huffingtonpost.co.uk/alessandro_bonzio/isisuseofsocialmedia_b_5818720.html).

1 official ISIS members. This mainly consists of professional filmmakers  
 2 working directly for the Islamic State. Their use of high definition video  
 3 cameras, slick graphics and refined editing techniques has elevated the  
 4 quality of the videos produced to Hollywood standards. One series of video  
 5 clips called *Mujatweets*, released by ISIS' media arm on YouTube, portrays  
 6 a number of ISIS militants as they engage in noble activities such as visiting  
 7 an injured fighter at the hospital or distributing candies to some children.  
 8 Episodes are filmed in HD, contain sophisticated graphics and logos, and  
 9 include English subtitles—a sign of how the message is explicitly intended  
 10 for second generation immigrants, especially the young.  
 11

12 271. In September 2014, ISIS used YouTube to release an animated recruitment video set  
 13 to the entrancing sounds of ISIS's militant Islamist *nasheed* chant and titled “Grand Theft Auto:  
 14 *Salil al-Sawarem* [‘Clanging of the Swords’],” ostensibly announcing the release of an ISIS video  
 15 game modeled after a famous PlayStation interactive video game titled “Grand Theft Auto” that  
 16 sold 27.5 million copies.  
 17

18 272. The following are screen clips from the ISIS YouTube video “Grand Theft Auto:  
 19 *Salil al-Sawarem*:



20 *Figure 20 ISIS YouTube video “Grand Theft Auto: Salil al-Sawarem*



21 *Figure 21 ISIS YouTube video “Grand Theft Auto: Salil al-Sawarem*

1       273. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted  
 2 an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS  
 3 announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train  
 4 children and youth how to battle the West and to strike terror into the hearts of those who oppose  
 5 the Islamic State.”<sup>35</sup>

6       274. Through its use of YouTube and other social media, ISIS has recruited more than  
 7 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

8       275. ISIS has used YouTube to indoctrinate and radicalize potential recruits and  
 9 followers, providing a constant stream of religious teachings, mantras, and images showing the  
 10 “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-  
 11 Sunni Muslims

12       276. ISIS has used YouTube to indoctrinate and provided training to these recruits, and  
 13 has sent many of them to return to their home countries to carry out terrorist attacks there.

14       277. ISIS has also used and continues to use, YouTube to solicit and recruit individuals  
 15 to remain in their home countries to carry out terrorist attacks there.

16       278. These efforts have been particularly directed at citizens of countries participating in  
 17 efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France,  
 18 Belgium, Turkey, and Russia, and ISIS has also used YouTube to provide indoctrination, training,  
 19 and inspiration to these recruits to carry out terrorist attacks.

20       279. ISIS’s use of violence against civilians is politically motivated and intended to  
 21 intimidate and coerce the civilian populations where it carries out such violence, to influence the  
 22

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23  
 24  
 25  
 26       <sup>35</sup> Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” Al Arabiya News  
 27 (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>.

1 policies of governments, and to affect the policy of governments through kidnapping, assassination,  
2 and mass destruction.

3 280. ISIS has used YouTube to indoctrinate and radicalize potential recruits and  
4 followers, providing a constant stream of religious teachings, mantras, music videos, and other  
5 images showing the “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly  
6 Christians, Jews, and non-Sunni Muslims.

7 281. ISIS has used YouTube to exaggerate its expansion territorially by disseminating  
8 videos with maps showing areas ISIS claims to control as well as other regions where other groups  
9 have allegedly pledged allegiance to ISIS.

10 282. ISIS has used YouTube to generate sympathy by showing images of women and  
11 children allegedly injured or killed by the enemies of ISIS.

12 283. ISIS uses YouTube as a psychological weapon to project strength, brutality,  
13 superiority, and invincibility, and to instill fear, awe, and terror.

14 284. ISIS regularly records the executions of large groups of local prisoners in order to  
15 intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and  
16 produced with drama and set to music, “go viral” on the internet and into the mainstream media.

17 285. ISIS also used YouTube to post a series of videos of beheadings together with  
18 political messages and warnings to the West.

19 286. On August 19, 2014, ISIS used YouTube to post a video in English titled “A Message  
20 to America,” showing the beheading of American journalist James Foley by a hooded man with a  
21 British accent, later known as “Jihadi John.”

22 287. The following are screen clips from the August 19, 2014 video:

5 *Figure 22 Clip from “A Message to America”*6 *Figure 23 Clip from “A Message to America”*

12 288. In the YouTube video of Foley's murder, ISIS also showed another captive  
 13 American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease  
 14 all attacks against ISIS.

15 289. On September 2, 2014, ISIS used YouTube to post a video titled “A Second Message  
 16 to America,” showing the beheading of Steven Sotloff, and threatening to murder Britain David  
 17 Hanes.

18 290. The following are screen clips from the September 2, 2014 video:

24 *Figure 24 Clip from “A Second Message to America”*



Figure 25 Clip from “A Second Message to America”

291. On September 13, 2014, ISIS used YouTube to post a video titled “A Message to the Allies of America,” showing the beheading of David Haines, a British aid worker, and threatening to murder Britain Alan Henning.

292. The following is a screen clip from the September 13, 2014 video:



Figure 26 Clip from “A Message to the Allies of America”

293. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

294. The following is a screen clip from the October 3, 2014 video:

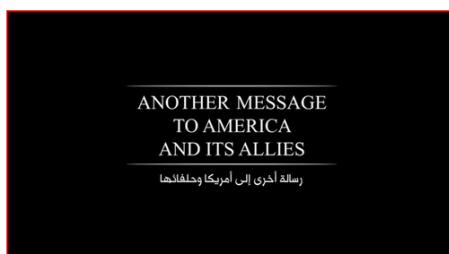


Figure 27 Clip from “Another Message to America and its Allies”

1 295. On November 16, 2014, ISIS used YouTube to post a video titled “Although the  
 2 Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had  
 3 been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took  
 4 the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various  
 5 terrorist leaders of these “provinces.”

6 296. The following are screen clips from the November 16, 2014 video:  
 7



13 *Figure 28 Clip from “Although the Disbelievers Will Not Like It”*



19 *Figure 29 Clip from “Although the Disbelievers Will Not Like It”*

20 297. The video shows action scenes of Christians, Shiite Muslims, and Americans being  
 21 killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy  
 22 attacks.

23 298. The video continues with a procession of about 18 bound captives said to be Syrian  
 24 pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the  
 25 sound of the militant ISIS *nashid* musical chant familiar to many ISIS videos.

27 299. The following are additional screen clips from the November 16, 2014 video:  
 28



Figure 30 Clips from “Although the Disbelievers Will Not Like It”

300. Just before the beheading is shown in the video, ISIS executioner “Jihadi John” makes the following statement:

“To Obama, the dog of Rome, today we are slaughtering the soldiers of [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering your soldiers. And with Allah’s permission we will break this final and last crusade. And the Islamic State will soon, like your puppet David Cameron said, will begin to slaughter your people in your streets.”

301. After the beheadings, the video shows the bodies of the captives on the ground with their severed heads placed on their backs and pools of blood on the ground.

302. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of American Peter Kassig, as the terrorist announces another threat to America and its allies.

303. On February 3, 2015, ISIS’s *al-Furqan* Institute used YouTube to post a video titled “Healing a Believer’s Chest,” which showed Jordanian pilot Mu’adh Al-Kasasbeh (who had been captured by ISIS) being burned alive in a cage.

304. The following are scenes from the “Healing a Believer’s Chest” video that ISIS posted on YouTube:



Figure 31 Clips from “Healing a Believer’s Chest”

305. On February 15, 2015, ISIS used YouTube to post a video titled “A Message Signed With Blood To The Nation Of The Cross,” showing the beheading of 21 Coptic Christian men ISIS had captured in Libya.

306. The following is a screen clip from the February 15, 2015 video:



Figure 32 Clip from “A Message Signed With Blood To The Nation Of The Cross”

307. ISIS has also used YouTube to post videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

308. ISIS’s ability to use YouTube to disseminate around the world its message, evidence of its atrocities, and an image of invincibility, not only intensifies the intimidation it creates but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

309. ISIS has also used YouTube to raise funds for its terrorist activities.

310. ISIS has used YouTube to inflame Muslim emotions and incite violence against non-Muslims and to glorify terrorist “martyrs” and *jihad*.

1       311. ISIS has used YouTube to direct viewers to other online sites, postings, media, and  
2 other social network media.

3       312. Thus, ISIS has used YouTube as a platform from which followers can access not  
4 only YouTube videos and comments, but also other websites, Facebook pages, Twitter accounts,  
5 and other online social network media.

6       313. ISIS has used YouTube as a means to communicate its messages to the broader news  
7 media.

8       314. ISIS has used YouTube accounts, channels, subscriptions, and messages to build and  
9 maintain networks.

10       315. In June 2015, it was reported that ISIS had released at least 830 videos just since  
11 2013, an average of 21 videos each month.

12       316. YouTube is especially useful to ISIS because, among other things, it is provided free  
13 of charge, allows unlimited usage, offers the ability to reach an enormous number of users  
14 instantaneously, provides the ability to distribute videos without disclosing location, enables like-  
15 minded users to connect and communicate, affords both public and private communications, and  
16 integrates other social media platforms and services.

17       317. YouTube is also readily available, easy-to-use, and enables registered users to share  
18 videos, large and small, using Google's computer servers via the Internet.

19       318. Moreover, the money ISIS saves by using YouTube frees up funds for ISIS to devote  
20 to even more terrorist attacks.

21       319. In all of these ways and more, Google's Services have played an essential role in  
22 enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the  
23 world.

1           320. The sophisticated technological capabilities that Google's Services give to ISIS have  
 2 had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training,  
 3 conducting terrorist operations, and engaging in psychological warfare.

4 **IV. ISIS'S JULY 14, 2016 NICE ATTACK**

5 **A. Introduction**

6           321. On July 14, 2016, ISIS carried out a horrific terror attack in Nice, France, murdering  
 7 86 people, including Sean and Brodie Copeland, and injuring 434 more (the "Nice Attack").<sup>36</sup>

8           322. The Nice Attack was intended: a) to intimidate and coerce the civilian populations  
 9 of France, the United States, and other countries engaged in activities against ISIS; b) to influence  
 10 the policies of these governments by intimidation and coercion; and c) to affect the conduct of these  
 11 governments by mass destruction, assassination, and kidnapping.

12           323. Indeed, a major component of the Nice Attack was the messaging disseminated by  
 13 ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist  
 14 attack against these countries' civilians.

15           324. The Nice Attack involved extensive planning, recruiting, organization, training,  
 16 preparation, coordination, and funding.

17           325. It also involved the use of Defendants' platforms, before and after the attack, to  
 18 intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.

19           326. ISIS used Defendants' platforms and services to facilitate and accomplish all of these  
 20 things.

21 **B. Recruiting and Planning**

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 27           <sup>36</sup><http://www.telegraph.co.uk/news/2016/10/06/nice-killer-visited-italys-little-calais-as-he-was-radicalised-o/>

1           327. The stated goal of ISIS is to use social media, including Defendants' platforms,  
 2 services, computers, and communications equipment, to assist in carrying out their terrorist attacks  
 3 throughout the world.

4           328. France has become a "central target" of ISIS's campaign of terror attacks.

5           329. ISIS's terror attacks are primarily organized through online social media platforms  
 6 and communication services, like Defendants' websites. Defendants' services allow ISIS to carry  
 7 out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds,  
 8 and creating fear.

9           330. Since 2014, the Islamic State's spokesman, Abu Muhammad al-Adnani, has called  
 10 for ISIS followers to attack Westerners in retaliation for strikes by the United States-led coalition  
 11 fighting ISIS in Iraq and Syria.<sup>37</sup>

12           331. al-Adnani has repeatedly singled out France, which is part of the coalition, as a main  
 13 enemy.<sup>38</sup>

14           332. France's Minister of Defense, Jean-Yves Le Drian, has stated that ISIS has targeted  
 15 "Frenchmen, in particular, or Americans, wherever they are, by any means necessary."<sup>39</sup>

16           333. ISIS provides its followers and those radicalized with detailed descriptions of how  
 17 to carry out terrorist attacks by "any means necessary" by disseminating its terrorist propaganda  
 18 through the use of Defendants' websites.

19           334. A month before the Nice Attack, The International Center for the Study of Violent  
 20 Extremism (ICSVE), obtained a "sophisticated and disturbing" video, produced by Isil' al-Hayat

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 26           <sup>37</sup> <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

27           <sup>38</sup> *Id.*

28           <sup>39</sup> *Id.*

1 Media Center urging followers to use a truck loaded with explosives to attack crowds. The video  
 2 warns that ISIS can no longer wait for western soldiers to attack them, with one scene depicting an  
 3 ISIS "soldier" preparing to run over civilians with an SUV.<sup>40</sup>

4 335. Other examples of ISIS propaganda encouraging the use of vehicles as weapons can  
 5 be found in the ISIS-produced "Rumiyah" magazine, which is released in multiple languages and  
 6 promoted and distributed across all of ISIS's social media channels, including Defendants' websites.  
 7 One particular edition of "Rumiyah" magazine encouraged followers to conduct a new method of  
 8 terror attack, utilizing large vehicles as weapons.<sup>41</sup>

9 336. In an article entitled "Just Terror Tactics," ISIS encourages and outlines detailed  
 10 methods for carrying out vehicle-based terror attacks, instructing followers that "though being an  
 11 essential part of modern life, very few actually comprehend the deadly and destructive capability of  
 12 the motor vehicle and its capacity of reaping large numbers of casualties if used in a premeditated  
 13 manner."<sup>42</sup>

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<sup>40</sup> <http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

<sup>41</sup> <http://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Rumiyah-ISIS-Magazine-3rd-issue.pdf>

<sup>42</sup> *Id.*



11 *Figure 33 Rumiyah article titled “Just Terror Tactics”*

12 337. In the article, ISIS instructs readers that “vehicles are like knives, as they are  
 13 extremely easy to acquire. But unlike knives, which if found in one’s possession can be a cause for  
 14 suspicion, vehicles arouse absolutely no doubts due to their widespread use throughout the world.  
 15 It is for this obvious reason that using a vehicle is one of the most comprehensive methods of attack,  
 16 as it presents the opportunity for just terror for anyone possessing the ability to drive a vehicle.”

18 338. ISIS trains its readers to follow this new method of attack that utilizes “a vehicle  
 19 plunged at a high speed into a large congregation of kuffar, smashing their bodies with the vehicle’s  
 20 strong outer frame, while advancing forward – crushing their heads, torsos, and limbs under the  
 21 vehicle’s wheels and chassis – and leaving behind a trail of carnage.”

23 339. In a form of tactical training promoted and dispersed through Defendants’ websites,  
 24 the article descriptively explains “the ideal vehicle” to use in such an attack, calling for a “load  
 25 bearing truck,” “large in size,” and “double-wheeled, giving victims less of a chance to escape being  
 26 crushed by the vehicle’s tires.”

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**Vehicles are like knives, as they are extremely easy to acquire. But unlike knives, which if found in one's possession can be a cause for suspicion, vehicles arouse absolutely no doubts due to their widespread use throughout the world. It is the obviousness that makes a vehicle is one of the most comprehensive methods of attack, as it presents the opportunity for just terror for anyone possessing the ability to drive a vehicle. Likewise, it is one of the safest and easiest weapons one can employ against the kuffar, while being from one's own side and left unaffected of the attack. The most successful in harvesting large numbers of the kuffar.**

Acquiring a vehicle is a simple task regardless of one's location. However, the type of vehicle and its structural and technical specifications are extremely important factors for ensuring the success of the operation. Observing previous vehicle attacks, it has been shown that vehicles are incapable of granting the level of carnage that is sought. Similarly, off-roaders, SUVs, and four-wheel drive vehicles lack the necessary attributes required for causing a blood bath. One of the main reasons for this is that these vehicles are slow and weak, and were not designed for causing many victims. Thus, smaller vehicles are least suitable for this kind of attack. Rather, the type of vehicle most appropriate for such an operation is a large load-bearing truck.

**The Ideal Vehicle**

- Load-bearing truck
- Large in size, keeping in mind its controllability
- Reasonably fast in speed or rate of acceleration (Note: Many European countries pre-restrict larger vehicles to specified speeds)
- Heavy in weight, assuring the destruction of whatever it hits
- Double-wheeled, giving victims less of a chance to escape being crushed by the vehicle's tires

**• Possessing a slightly raised chassis (the under frame of the vehicle) and bumper, which allow for the mounting of sidewalks and breaching of barriers if needed**

- If available, with a metal outer frame which are usually found in older cars, as the stronger outer frame allows for more damage to be caused when the vehicle is slammed into crowds, contrary to newer cars that are usually made of plastics and other weaker materials

**• Vehicles to Avoid**

- Small cars, including larger SUVs
- Slower vehicles that cannot exceed 90km per hour
- Load-bearing trucks with load compartments that are not fixed to the cabin, which may cause loss of control and subsequent jackknifing, especially if driven erratically
- Large vehicles with extremely elongated trailer compartments, which can cause the driver trouble as he seeks to maneuver

If one has the wealth, buying a vehicle would be the easiest option. Alternatively, one could rent a vehicle or simply steal one. This is the most common method for those who own or has access thereto. For the one not capable of attaining a vehicle by any of these means, there is the option of hotwiring or carjacking a vehicle. This is only recommended for one possessing the know-how or having previous experience in this domain.

**Applicable Targets**

- Large outdoor conventions and celebrations
- Pedestrian-congested streets (High/Main streets)



RUMIYAH

*Figure 34 Page 2 of Rumiyah article “Just Terror Tactics”*

340. Furthermore, the article calls on followers to “consider any outdoor attraction that draws large crowds,” such as “parades,” “outdoor markets,” and “festivals.”

341. The “Just Terror Tactics” article is just one example of ISIS’ use of propaganda dispersed through Defendants’ websites used to train operatives, plan, and execute acts of international terrorism.

342. The Nice Attack involved communication and coordination between attacker Mohamed Lahouaiej Bouhlel and ISIS, as ISIS “radicalized (Bouhlel) very quickly.”<sup>43</sup>

<sup>43</sup> <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

1           343. Authorities believe Bouhlel carefully plotted and planned his attack for up to a year  
 2 with accomplices and ISIS operatives.<sup>44</sup>

3           344. Bouhlel, 31, was born in Tunisia and had a permit to live and work in France.<sup>45</sup>

4           345. Nice has previously been described as one of southern France's "hotbeds" for  
 5 extremism linked to Tunisia. More than 100 Muslims from Nice are known to have gone to Syria to  
 6 join ISIS.<sup>46</sup>

7           346. Prior to the events leading up to the Nice attack, Bouhlel lived a life "with little proof  
 8 of religiosity" his wife and three children in Bateco housing project, north of Nice.<sup>47</sup>

9  
 10          347. Following what residents of Bateco described as a "violent" divorce, Bouhlel  
 11 relocated to Nice, where he lived a solitary life, working as a delivery driver.<sup>48</sup>

12          348. Investigations in Bouhlel's life revealed a history of ISIS-related internet searches  
 13 and communications with accomplices via cell phones and Defendants' services.

14          349. In January 2015, following the Charlie Hedbo terrorist attacks in which 12 people  
 15 died, Bouhlel sent a text message to an accomplice that read, "I am not Charlie. I'm happy they have  
 16 brought some of Allah's soldiers to finish the job."<sup>49</sup>

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22          <sup>44</sup><https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

23          <sup>45</sup> <http://www.cnn.com/2016/07/15/europe/nice-france-terrorist-driver/index.html>

24          <sup>46</sup><http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

25          <sup>47</sup><http://www.france24.com/en/20160718-nice-attackers-road-terror-Mohamed-Lahouaiej-Bouhlel>

26          <sup>48</sup>*Id.*

27          <sup>49</sup><https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

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1           350. This message is an eerie opposition to the famous twitter hashtag, “#IAmCharlie,”  
 2 popularly used across all of Defendants’ platforms following the Hedbo terrorist attack as support  
 3 for those killed.

4           351. Investigations also revealed that on April 4, 2016, another Tunisian, Choukri C., sent  
 5 Bouhlel a Facebook message that read, “Load the truck with 2,000 tonnes of iron... release the  
 6 brakes my friend and I will watch.”<sup>50</sup>

7           352. In April 2016, Bouhlel, who was not previously religious, began visiting a mosque  
 8 in France.<sup>51</sup>

9           353. In the weeks leading up to the attack, Bouhlel made several internet searches for  
 10 “horrible fatal accident” and had on his computer violent images “linked to radical Islam.”<sup>52</sup>

11           354. French prosecutor François Molins stated that an investigation revealed Bouhlel  
 12 made daily internet searches for verses of the Koran and “nasheed” or jihadist propaganda chants.

13           355. Additionally, Bouhlel saved images of dead bodies and images linked to radical  
 14 Islamism on his computer, including the flag of so-called Islamic State, the cover of an issue of  
 15 French satirical magazine Charlie Hebdo, which was attacked by Islamic militants in January 2015,  
 16 and photos of Osama bin Laden and Algerian jihadist Mokhtar Belmokhtar.<sup>53</sup>

17           356. Bouhlel also researched articles on fatal accidents including a report from Nice-  
 18 Matin newspaper headlined: “Man drives his car into a restaurant terrace.”<sup>54</sup>

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 23           <sup>50</sup><http://www.france24.com/en/20160721-nice-truck-attack-killer-support-accomplices-premeditated-attack>

24           <sup>51</sup><http://www.telegraph.co.uk/news/2016/07/16/bastille-day-terrorist-was-radicalised-within-months-and-sent-84/>

25           <sup>52</sup> <https://www.thelocal.fr/20160717/nice-attacker-body-building-drug-taking-womanising>

26           <sup>53</sup> <http://www.bbc.com/news/world-europe-36801763>

27           <sup>54</sup><https://www.theguardian.com/world/2016/jul/18/nice-attack-premeditated-mohamed-lahouaiej-bouhlel-beard-prosecutor>

1       357. On July 1, 2016, Bouhlel searched for details of Bastille Day celebrations in Nice as  
 2 well as videos showing "terrible" fatal traffic accidents.<sup>55</sup>

3       358. Bouhlel also read about recent ISIS terror attacks in Orlando, where a man  
 4 radicalized by ISIS killed 49 people at the Pulse nightclub, in Dallas, where a black army  
 5 veteran shot five police officers, and Magnanville, near Paris, where a French ISIS operative  
 6 stabbed two police officials to death before taking hostages and declaring his allegiance to ISIS  
 7 spokesman al-Adnani during a Facebook live broadcast.<sup>56</sup>

8       359. On July 4, 2016, Bouhlel reserved a 19-ton refrigerated truck for use during the week  
 9 of France's Bastille Day celebrations.<sup>57</sup>

10      360. An assistant at the rental company confirmed that Bouhlel had asked to rent "the  
 11 heaviest truck."<sup>58</sup>

12      361. Investigations also showed he had grown a beard eight days before the attack, telling  
 13 people "the meaning of this beard is religious."<sup>59</sup>

14      362. Days before the attack, Bouhlel showed friends a video of an ISIS fighter beheading  
 15 an individual. His response to their shock was that he was "used to it."<sup>60</sup>

16      363. Prior to the attack, Bouhlel would send his family "small sums of money regularly  
 17 like most Tunisians working abroad." However, just days before the attack, Bouhlel, who was  
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 24      <sup>55</sup> <http://www.bbc.com/news/world-europe-36801763>

25      <sup>56</sup> *Id.*

26      <sup>57</sup> <https://www.thelocal.fr/20160718/nice-attacker-had-clear-interest-in-radical-islam>

27      <sup>58</sup> <http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

28      <sup>59</sup> *Id.*

29      <sup>60</sup> <http://www.bbc.com/news/world-europe-36801763>

1 regularly “out of work,” sent his family “240,000 Tunisian Dinars (£84,000).” Bouhlel’s brother said  
 2 the unexpected gift “was a fortune.”<sup>61</sup>

3 364. On July 11, 2016, Bouhlel went to Saint-Laurent-du-Var to rent, in his own name,  
 4 the 19-tonne refrigerated truck, which he was able to do with his commercial driver’s license.<sup>62</sup>

5 365. Bouhlel photographed two of his accomplices, Mohamed Walid G. and Choukri C.,  
 6 both in front of and inside the cabin of the truck used for the attack - in Choukri C.’s case just three  
 7 hours beforehand.<sup>63</sup>



17 *Figure 35 Bouhlel posing outside of the truck used in the attack with an accomplice*

18 366. On July 12 and 13, 2016, Bouhlel visited the Promenade des Anglais, appearing on  
 19 surveillance video driving the truck and carefully observing what was going on around him.

20 367. During his reconnaissance trips, Bouhlel sent a selfie photo from the driver’s cabin.<sup>64</sup>

24  
 25 <sup>61</sup><http://www.telegraph.co.uk/news/2016/07/16/bastille-day-terrorist-was-radicalised-within-months-and-sent-84/>

26 <sup>62</sup><http://www.france24.com/en/20160718-nice-attackers-road-terror-Mohamed-Lahouaiej-Bouhlel>

27 <sup>63</sup><http://www.telegraph.co.uk/news/2016/07/21/nice-attacker-had-planned-truck-rampage-for-nearly-a-year/>

28 <sup>64</sup><http://www.bbc.com/news/world-europe-36801763>



8 *Figure 36 Bouhlel and an accomplice in the 19-ton truck the day before the attack*

9 **C. ISIS vs. the United States, France, and their Allies**

10 368. In September 2014, ISIS used YouTube to post an audio message from ISIS  
 11 spokesman Abu Muhammad al-Adnani titled “Verily Your Lord is Ever Watchful,” in which he  
 12 urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in  
 13 fighting against ISIS, and in particular, against the United States, France, and other European  
 14 nations.

16 369. The following are translated excerpts from al-Adnani’s September 2014 message:

17 “[To the U.S. and its allies:] We promise you that this campaign will be  
 18 your last and it will collapse and fail, just as all your other campaigns  
 19 collapsed. But this time, when the war ends we will be the ones to invade  
 20 your countries, whereas you will no longer invade [ours]. We will invade  
 21 your Rome, break your Cross and enslave your women, with Allah’s help.  
 22 This is His promise and he will not break it until it is realized. And if we do  
 23 not achieve this, our sons or grandsons will, and they will sell your sons and  
 24 grandsons as slaves.

25 . . .  
 26 [To American and Europeans:] The Islamic State did not launch a war  
 27 against you, as your lying governments and your media claim. You are the  
 ones who initiated hostilities against us, and the [side] that initiates  
 hostilities is the evil one. You will pay [for it] dearly when your economies  
 collapse. You will pay dearly when your sons are sent to fight us and return  
 crippled and damaged, in coffins or as lunatics. You will pay when each of

you feels afraid to travel abroad. You will pay when you walk the streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You will pay the price when your Crusader war fails, and then we invade the very heart of your countries.

• • •

[To Muslims:] O monotheist, don't sit out this war, wherever you may be. [Attack] the tyrants' soldiers, their police and security forces, their intelligence [forces] and collaborators. Cause them to lose sleep, make their lives miserable, and cause them to be preoccupied with their own [problems]. If you are able to kill an American or European infidel – particularly any of the hostile, impure Frenchmen – or an Australian or a Canadian, or any [other] infidel enemy from the countries that have banded against the Islamic State, then put your trust in Allah and kill him, by any way or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is one; they are both infidels, both enemies. The blood of both is permitted . . . The best thing to do would be to kill any French or American infidel or any of their allies . . . If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or an American infidel and bash his skull in with a rock, slaughter him with a knife, run him over with your car, throw him off a cliff, strangle him, or inject him with poison. Don't stand by, helpless and abject . . . If you are incapable even of this – then spit in his face. And if you refuse [to do] this while your brothers are being bombed and killed and their lives and property are under attack everywhere, then examine your faith. This is a serious matter you face, for the Islamic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”<sup>65</sup>

370. On October 14, 2014, ISIS used YouTube to release a video message directed to the people of France, titled “Message of the Mujahid 3.”

<sup>65</sup> See "Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible," The Middle East Research Institute (MEMRI) (Sept. 22, 2014), <http://www.memrijtm.org/content/view/print/blog/7825>.

1           371. The “Message of the Mujahid 3” YouTube video featured a French-speaking  
 2 member of ISIS, sitting in the driver’s seat of a car with a rifle, threatening France with terrorist  
 3 attacks and calling upon Muslims to carry out attacks.

4           372. The following are screen clips from ISIS’s “Message of the Mujahid 3” video:



10           Figure 37 Clips from “Message of the Mujahid 3”  
 11

12           373. The following is a translation of excerpts from the French-speaker’s statement in the  
 13 Message of the Mujahid 3 video posted on YouTube:

14           “We will give a message to France over the bombing in Iraq and Syria. We have  
 15 warned, you are at war against the Islamic State. We are people to whom the victory  
 16 will be assured with the help God. Now you have been warned.  
 17           ...  
 18           You have so many murders and killings as did our dear brother Mohamed Merah.  
 19           You were afraid of a brother, there will be thousands in the future.  
 20           ...  
 21           This is a message to all Muslims of France. Enjoy and see what happens in the  
 22 world. They gathered against us. Why, because we are defending Islam and because  
 23 we want to apply the law of Allah. . . . You say that we’re the criminals. But they’re  
 24 the cowards who drop bombs in their sky. We will take revenge for all the brothers  
 25 and all the civilians who were killed.  
 26           ...  
 27           You will not be safe anywhere in France or in other countries. We will make appeals  
 28 to all brothers who live in France to kill any civilian. You will never be safe. All  
 29 murders you committed, you will regret it.”

30           374. Prior to the Nice Attack, ISIS carried out and attempted several other terror attacks  
 31 in Paris, Nice, and Belgium.  
 32

1       375. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist  
 2 plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing ISIS terrorists  
 3 Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third conspirator.

4       376. In the safe house, police found AK-47 assault rifles, components of the explosive  
 5 TATP, GoPro cameras, and police uniforms.

6       377. Officials reported that the Verviers Plot had included a planned beheading of a police  
 7 officer that was to be filmed.

8       378. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting  
 9 French-speaking members for ISIS and promoting attacks against France and other western  
 10 countries.

12       379. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in  
 13 Paris had taken place from January 7-9, 2015: in one attack, two “*al-Qaeda* in the Arabian  
 14 Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded 11  
 15 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately  
 16 afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and a  
 17 jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher  
 18 supermarket.

20       380. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of  
 21 Coulibaly and an interview with his wife, Hayat Boumeddiene.

23       381. The issue also called for more terrorist attacks against France and other western  
 24 countries; for example, one article in this issue included the following statement:

25               The disbeliever states have understood the consequences of the return of the  
 26 Caliphate: the end of the domination by the Jews, the Crusaders and their  
 27 allies. Every sincere Muslim must migrate to one of the regions of the  
 Islamic State, the land of Islam, and leave the land of disbelief led by the

1 worst *tawaghit* [tyrants] of this world, who constantly war against our  
 2 community. The time has come for the believers to go forth, to recover the  
 3 land, and not to let these tyrants rest for one second. . . . France needs to  
 4 mourn its dead as we mourn our own; may they see the blood of their own  
 5 people flow like we see that of our own.

6 382. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”)  
 7 into custody after he was deported from Turkey.

8 383. After arresting Moreau, French police arrested another ISIS recruit in 2015 named  
 9 Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

10 384. During his interrogation on August 13, 2015, Hame told the police that in June 2015  
 11 ISIS had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles  
 12 and grenades.

13 385. Hame told police that he was directed to choose “an easy target, like a group of  
 14 people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out  
 15 the attack, he should wait for police to arrive and “die while killing the hostages.”

16 386. Hame said he was told that “if lots of civilians were hit, the foreign policy of France  
 17 would change.”

18 387. Asked by police whether he was aware of any pending attacks, Hame replied: “All I  
 19 can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really  
 20 looking to hit France or Europe.”<sup>66</sup>

22 **D. The Nice Attack**

23 388. On July 14, 2016, Bouhlel arrived at the Promenade des Anglais in Nice, France,  
 24 with the intention of committing an act of international terrorism. In addition to his 19-ton  
 25

26 \_\_\_\_\_  
 27 <sup>66</sup> *Id.*

1 refrigeration truck, in the cabin alongside him, Bouhlel was in possession of an automatic pistol,  
 2 bullets, a fake automatic pistol, and two replica assault rifles (a M16 machine gun and a  
 3 Kalashnikov), as well as an empty grenade.<sup>67</sup>

4 389. An estimated 30,000 people were gathered in celebration of France's Bastille Day  
 5 holiday on the Promenade des Anglais, a promenade in Nice which runs alongside the  
 6 Mediterranean Sea.<sup>68</sup>

7 390. The promenade had been closed to traffic and considered a "pedestrian zone" as the  
 8 crowd of thousands gathered for a celebratory shopping, food carts, music, and a fireworks  
 9 display on the seafront.

10 391. Just before his murderous attack, Bouhlel sent two "odious messages" that had been  
 11 pre-recorded on his mobile phone.<sup>69</sup> These messages are frequently used by ISIS, both for the  
 12 operative to declare allegiance to ISIS, as well as for ISIS to use as propaganda and glorify the  
 13 attacker.

14 392. At around 10:30PM, shortly after the fireworks display, Bouhlel slowly drove the  
 15 19-ton refrigeration truck through police barriers at the west end of the promenade, mounted a  
 16 sidewalk, entered the "pedestrian zone" and violently began running over increasingly dense crowds  
 17 of people celebrating the holiday.<sup>70</sup>

18 393. Witnesses described Bouhlel as initially slowly running over people, until two police  
 19 officers opened fire, at which point he accelerated at full speed towards the crowd.

20  
 21  
 22  
 23  
 24 <sup>67</sup> <http://www.bbc.com/news/world-europe-36801671>

25 <sup>68</sup> <https://www.theguardian.com/world/2016/jul/15/nice-truck-attack-victims-survivors-bastille-day-crowds>

26 <sup>69</sup> <https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

27 <sup>70</sup> <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

1           394. Witnesses described the sounds of the truck hitting people “like empty thuds,” as  
 2 Bouhlel reached an estimated 56mph, surging through crowds of people.<sup>71</sup>

3           395. Bouhlel maneuvered the truck through the promenade, mounting several curbs  
 4 before heading back on the road, zigzagging for up to 1.25 miles, deliberately aiming for as many  
 5 people as possible.<sup>72</sup>

6           396. An individual on a motorcycle attempted to overtake Bouhlel’s truck and even tried  
 7 to open the driver’s door, but was unsuccessful. As the motorcyclist latched on to the door, he  
 8 described how he “hit and hit (Bouhlel) and hit him again. With all my strength, with my left hand  
 9 in the face. (Bouhlel) said nothing. He didn’t even flinch.”<sup>73</sup>

11           397. Bouhlel began shooting through the cab window at police officers, firing several  
 12 times on three police officers close to the Hotel Negresco.<sup>74</sup>

13           398. Witnesses recounted hearing Bouhlel scream “Allahu Akbar” throughout the  
 14 attack.<sup>75</sup>

16           399. The truck came to a halt near Nice’s Palais de la Méditerranée, a hotel adjacent to  
 17 the beach, when Bouhlel continued to fire at police with his handgun.

18           400. Footage filmed by those at the scene showed two police officers firing repeatedly at  
 19 the cabin of the truck. Bouhlel was killed by police.<sup>76</sup>

20           401. Bouhlel’s 1.5 mile terrorist attack killed 86 people, injuring an additional 434.

22  
 23           

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 24           <sup>71</sup><https://www.theguardian.com/world/2016/jul/15/nice-truck-attack-victims-survivors-bastille-day-crowds>

25           <sup>72</sup> <http://www.bbc.com/news/world-europe-36801671>

26           <sup>73</sup><https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

27           <sup>74</sup> <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

28           <sup>75</sup> <http://www.telegraph.co.uk/news/2016/07/14/84-killed-in-nice-by-lorry-during-bastille-day-celebrations---ho/>

28           <sup>76</sup> <http://www.bbc.com/news/world-europe-36801671>



Figure 37 Map of Nice Attack

### **E. The Aftermath of the Nice Attack**

402. Two days after the Nice Attack, on July 16, 2016, ISIS issued a statement claiming responsibility, describing Bouhlel as a “soldier of the Islamic State.”<sup>77</sup>

403. The statement was published by the news agency AMAQ, which is frequently used and supported by ISIS. The statement read, “Executor of the deadly operation in Nice, France was a soldier of the Islamic State. He executed the operation in response to calls to target citizens of coalition nations, which fight the Islamic State.”<sup>78</sup>

404. Below are screenshots of ISIS’s statement as released by AMAQ:

<sup>77</sup> <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

<sup>78</sup> <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>



Figure 38 ISIS Statement Released by AMAQ

405. The Islamic State's al-Bayan radio station said Bouhlel used "a new tactic" of vehicle attacks to wreak havoc, contending, "the crusader countries know that no matter how much they enforce their security measures and procedures, it will not stop the mujahideen from striking."<sup>79</sup>

406. In the fifteenth issue of ISIS's propaganda magazine, *Dabiq*, ISIS boasted about the Nice Attack, listing Bouhlel among the "soldiers of the Caliphate" who has "succeeded in expanding the territory of the Caliphate, or terrorizing, massacring, and humiliating the enemies of Allah."<sup>80</sup>

<sup>79</sup> [https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1\\_story.html?utm\\_term=.9479a13f6afb](https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1_story.html?utm_term=.9479a13f6afb)

<sup>80</sup> <http://clarionproject.org/wp-content/uploads/islamic-state-magazine-dabiq-fifteen-breaking-the-cross.pdf>

1           407. The propaganda magazine contained numerous graphic images of the Nice Attack's  
 2 victim's bodies on the promenade following the attack.

3           408. Citing Bouhlel's attack as an operation that "the Islamic State has conducted," the  
 4 propaganda magazine praises the Nice Attack as an action "in response to the Islamic State's calls  
 5 to target nations participating in the Crusader coalition fighting the Caliphate."<sup>81</sup>

6           409. French Interior Minister Bernard Cazeneuve explained, "This is a new type of attack.  
 7 We are now confronted with individuals that are sensitive to the message of ISIS and are committed  
 8 to extremely violent actions without necessarily being trained by them."<sup>82</sup>

10          410. Cazeneuve went on to explain, "We are now facing individuals who are responding  
 11 positively to the messages issued by the Islamic State without having had any special training and  
 12 without having access to weapons that allow them to commit mass murder."<sup>83</sup>

13          411. Paris prosecutor Francois Molins' subsequent investigations into Bouhlel's life  
 14 revealed that Bouhlel had a "clear, recent interest in the radical jihadist movement."<sup>84</sup>

16          412. "A search of his computer illustrates a clear ... and recent interest in radical  
 17 jihadism,"<sup>85</sup> Molins said, additionally confirming "the murderous premeditated nature of Mohamed  
 18 Lahouaiej-Bouhlel's act, but has also established that he benefitted from support and  
 19 accomplices."<sup>86</sup>

21  
 22          <sup>81</sup> *Id.*

23          <sup>82</sup> <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

24          <sup>83</sup> [https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1\\_story.html?utm\\_term=.9479a13f6afb](https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1_story.html?utm_term=.9479a13f6afb)

25          <sup>84</sup> <https://www.thelocal.fr/20160717/nice-attacker-body-building-drug-taking-womanising>

26          <sup>85</sup> <http://www.chicagotribune.com/news/nationworld/ct-france-nice-truck-attack-20160718-story.html>

27          <sup>86</sup> <http://www.france24.com/en/20160721-nice-truck-attack-killer-support-accomplices-premeditated-attack>

1       413. Subsequent investigations revealed months of planning, as photographs and searches  
 2 on the attacker's mobile phone included pictures of the Bastille Day fireworks in July 2015, and an  
 3 article referring to the "magic potion called Captagon,"<sup>87</sup> a drug frequently used by ISIS operatives,  
 4 dubbed 'chemical courage.'<sup>88</sup>

5       414. ISIS continues to promote and glorify Bouhlel's actions through Defendants'  
 6 platforms. This is evidenced by the ISIS-produced Rumiyah magazine article "Just Terror Tactics,"  
 7 where the article characterizes "brother" Bouhlel's actions as "superb."<sup>89</sup>

8       415. In a subsequent press conference, French Defense Minister Jean-Yves Le Drian  
 9 addressed ISIS operations, explaining "Abu Muhammad al-Adnani has for several weeks been  
 10 repeating that it was necessary to attack directly, even individually, French people and Americans  
 11 wherever they are and by whatever means. Clearly, certain individuals, such as the driver of that  
 12 truck, individually responded to this call for committing murder. Even if Daesh doesn't do the  
 13 organizing, Daesh inspires a terrorist spirit."<sup>90</sup>

14       **V. THE COPELAND FAMILY**

15       416. On July 14, 2016, the Copeland family was enjoying part of their dream European  
 16 vacation in Nice, France, taking in the city's Bastille Day celebrations. The family of five, including  
 17 Plaintiffs Kim, Sean, 51, and Brodie Copeland, 11, traveled to France in part to celebrate Kim's 40<sup>th</sup>  
 18 birthday, as well as Sean's son, Austin, who had recently turned 22. Sean's daughter, Maegan, also  
 19 joined them on the vacation.

20  
 21  
 22  
 23  
 24       <sup>87</sup><https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

25       <sup>88</sup><https://www.thesun.co.uk/living/3688057/captagon-isis-drug-chemical-courage-sleep-disorders/>

26       <sup>89</sup><http://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Rumiyah-ISIS-Magazine-3rd-issue.pdf>

27       <sup>90</sup> [https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1\\_story.html?utm\\_term=.9479a13f6afb](https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1_story.html?utm_term=.9479a13f6afb)

1 417. Sean and Brodie Copeland lived with their family in Lakeway, Texas. Sean was a  
2 devoted father of three who prided himself on being a dance dad, a football dad, and a baseball dad.  
3 Brodie, 11, was a bright, fun-loving, "one-of-a-kind kid," with aspirations of becoming a  
4 professional baseball player, a Hollywood actor and U.S. president.



Figure 39 Brodie and Sean Copeland

16       418. Just days before the attack, the family spent their vacation together in Pamplona,  
17 Spain, where Sean and his son, Austin, ran with the bulls. After running 200 yards with the  
18 bulls, Austin said his dad was the happiest he'd ever seen. "This was his moment. I would never  
19 forget the joy on his face that day."

21        419. After leaving Spain, the Copeland family traveled together to France. Missing home,  
22 they spent their last hours in France together at a Hard Rock Café. After a family dinner of burgers  
23 and beers, the family headed to the Promenade des Anglais for music and fireworks.

24 420. Described by his friends and family as a “wonderful husband and father”, Sean  
25 Copeland was struck by Bouhlel’s truck in the Nice Attack on July 14, 2016, passing away in the  
26 hospital shortly after. Brodie, who was described as a “superstar” who stood out in class and on the  
27

1 baseball field, was also murdered when he was struck by Bouhlel's truck. Sean's wife, Kim, and his  
 2 children, Austin and Maegan, survived the horrific attack only due to Sean's heroic and lifesaving  
 3 warning as the truck careened towards the family.

4 421. Plaintiff and Sean's children, Austin and Maegan, were devastated by the loss of  
 5 their beloved husband, father, and brother. They suffered and will continue to suffer severe  
 6 psychological and emotional harm, as well as loss of consortium as a result of the terrorist attack  
 7 that killed Sean and Brodie Copeland. Furthermore, Sean provided substantial financial support to  
 8 Plaintiff.

9 422. The following is a picture Kim Copeland took of Brodie Copeland moments before  
 10 the attack at a candy stand on the Promenade des Anglais in Nice, France:



25 *Figure 40 Brodie Copeland at a candy stand in Nice, France*

26 **VI. DEFENDANT'S CONDUCT**

1           **A. Twitter, Facebook, and Google Profit From Allowing ISIS to Use Their**  
 2           **Services**

3           423. Astonishingly, Defendants routinely profit from ISIS. Each Defendant  
 4 places ads on ISIS postings and derives revenue for the ad placement.

5           424. These ads are not placed randomly by Defendants. Instead, they are  
 6 targeted to the viewer using knowledge about the viewer as well as information about the  
 7 content being viewed. The following sites for each Defendant show how targeting works:

8           <https://business.Twitter.com/en/targeting.html>,  
 9           <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,  
 10           <https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pd>  
 11           <fs/targeting-onesheeter-en.pdf>.

12           425. By specifically targeting advertisements based on viewers and content,  
 13 Defendants are no longer simply passing through the content of third parties. Defendants are  
 14 themselves creating content because Defendants exercise control over what advertisement to  
 15 match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging  
 16 advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and  
 17 the content being viewed.

18  
 19           **B. Defendants Knowingly Provided Material Support and Resources to**  
 20           **Terrorists, Including ISIS and its Supporters**

21           426. ISIS's reputation as an organization that has engaged in and continues to engage in  
 22 terrorist acts is widespread and has been reported in the world news media.

23           427. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has  
 24 likewise been widely reported in the world news media.

1           428. At all times relevant to this Complaint, Defendants have known that ISIS is an  
 2 organization that has engaged in and continues to engage in terrorist activity.

3           429. At all times relevant to this Complaint, Defendants have known that ISIS is  
 4 designated as a Foreign Terrorist Organization.

5           430. Despite this knowledge, Defendants have for years knowingly provided its Services  
 6 to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals  
 7 that provide financing and material support to ISIS, including individuals and organizations that are  
 8 designated as and SDGTs.

9           431. ISIS, its members, and its related entities and affiliates have operated numerous  
 10 accounts on Defendants' platforms, often using their own names and displaying emblems and  
 11 symbols associated with ISIS and its related terrorist entities.

12           432. ISIS's news and media organizations have operated accounts across each of  
 13 Defendants' platforms, often including separate accounts for Arabic, French, English and other  
 14 languages.

15           433. Through Defendants' services, Defendants make potential ISIS recruits, ISIS  
 16 members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS  
 17 itself.

18           434. Prior to the Nice Attack, Defendants refused to actively monitor its online social  
 19 media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of Defendants'  
 20 Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and affiliates to use  
 21 Defendants' platforms and other services, and generally only reviewed ISIS's use of its Services in  
 22 response to third party complaints.

23           435. Even when Defendants have received complaints about ISIS's use of their platforms  
 24 and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged in  
 25

1 terrorist activity, Defendants have at various times determined that ISIS's use of its Services did not  
 2 violate Defendants' policies and permitted ISIS-affiliated accounts to remain active, or removed  
 3 only a portion of the content posted on an ISIS-related account and permitted the account to remain  
 4 active.

5 436. While Defendants suspended or blocked selected ISIS-related accounts at various  
 6 times, prior to the Nice Attack, Defendants did not make substantial or sustained efforts to ensure  
 7 that ISIS would not reestablish the accounts using new identifiers.  
 8

9 437. Terrorists have used YouTube to promote and support their activities for years.  
 10

11 438. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist  
 12 terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the  
 13 member argued: "We have already had great success in raiding YouTube."<sup>91</sup>  
 14

15 439. In December 2011, the Middle East Media Research Institute ("MEMRI") issued a  
 16 report stating that it had determined that: "YouTube has emerged as one of the leading websites for  
 17 online jihad. It has replaced – and surpassed – web sites administered by the jihadis themselves,  
 18 which were previously the leaders in online jihadi efforts."  
 19

20 440. On February 26, 2013, members of the Home Affairs Committee of the U.K. House  
 21 of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists' use of  
 22 YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki,  
 23 whose video speeches (known to have inspired multiple terrorist attacks in the West) proliferate on  
 24 YouTube.  
 25

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26  
 27 <sup>91</sup> Will McCants, "Invading Facebook: Theory and Practice," Jihadica.com (Dec. 17, 2008),  
 28 <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

1       441. The Google representative admitted that she had seen some of al-Awlaki's videos on  
 2 YouTube, but acknowledged that Google did not actively guard against terrorists' use of the  
 3 YouTube platform and services.

4       442. Rather, the Google representative testified that Google only reviews a video posted  
 5 on YouTube if it receives a complaint from a YouTube user, and then Google will decide whether  
 6 to block or remove the video if a Google reviewer determines that it violates Google's own content  
 7 policies.  
 8

9       443. The media has widely reported on terrorists' use of YouTube and Google's refusal  
 10 to take any meaningful action to stop it.

11       444. For example, on July 7, 2014, CBS Local reported that "militants post beheading  
 12 videos on sites like Google's YouTube, giving an image the chance to go viral before being shut  
 13 down."<sup>92</sup>

14       445. In February 2015, Google announced that it had begun hiring Arabic speakers to  
 15 serve as "moderators" to review videos posted to YouTube in the event complaints are received  
 16 about particular posts.  
 17

18       446. However, Google reiterated that it would only review a video after a complaint is  
 19 received, and it would then make a determination to block or delete the video based upon its own  
 20 content policies.  
 21  
 22  
 23  
 24

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25  
 26       <sup>92</sup> "Should Twitter, Facebook Be Held Liable For A Terrorist Attack? (Jul. 24, 2015),  
 27 <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terrorist-attack/>.

1           447. In some cases, rather than block or remove terrorist videos, Google will place an age  
 2 restriction on a YouTube video, requiring a viewer to log-in to YouTube and claim to be at least 18  
 3 years-of-age before viewing it.

4           448. On March 3, 2015, CNN Money reported that Google was placing advertisements in  
 5 front of ISIS videos posted on YouTube.<sup>93</sup>

6           449. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep  
 7 showing up on ISIS YouTube videos.”<sup>94</sup>

8           450. On March 10th 2015, NBC News released an article titled, “Ads Shown Before  
 9 YouTube ISIS Videos Catch Companies Off-Guard.”<sup>95</sup>

10           451. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like  
 11 Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads  
 12 for their products started rolling in front of ISIS recruiting videos which have been cropping up ever  
 13 more frequently on the [YouTube] site.”<sup>96</sup>

14           452. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released  
 15 a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi.

21  
 22           <sup>93</sup> Laurie Segall, “These ads ran before ISIS videos,” CNN Money (Mar. 3, 2015),  
<http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

23           <sup>94</sup> Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” Deathandtaxes.com (Mar. 10,  
 24 2015), <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>.

25           <sup>95</sup> See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

26           <sup>96</sup> Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,”  
 27 NewMediaRockstars (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent days in the western provincial capital.”<sup>97</sup>

453. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-known online video platform YouTube serves as the main media platform of these radical fighters.”<sup>98</sup>

454. In March 2016 the Digital Citizens' Alliance issued a report documenting a number of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad appearing before a video produced by ISIS's *al-Hayat* Media.<sup>99</sup>

455. Google derives revenue from ads placed on YouTube, including the ads placed before ISIS videos posted on YouTube.

456. Google does not place ads on YouTube randomly; rather, they are targeted to the viewer using algorithms that analyze and use data about the ads, the user, and the video posted.<sup>100</sup>

457. By specifically targeting advertisements based on viewers and content, Google is no longer simply passing through the content of third parties; rather, Google is itself creating content because it exercises control over what advertisement to match with an ISIS video posting on YouTube.

<sup>97</sup> Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,” MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

<sup>98</sup> Vladimir Platov, "Hi-Tech Tools of ISIL Propaganda," New Eastern Outlook (Aug. 6, 2015), <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

<sup>99</sup> “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the corrupt, and the criminal,” Digital Citizens’ Alliance (Mar. 2016), <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>.

<sup>100</sup> See Google's description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheeter-en.pdf>.

1       458. Moreover, Google's revenue is enhanced by charging advertisers extra for placing  
2 targeted advertisements.

3       459. In addition, Google agrees to shares a percentage of the revenue it generates from  
4 ads placed before YouTube videos with the user who posts the video.

5       460. In order for ads to appear associated with a YouTube video, the poster must create a  
6 Google "AdSense" account and register the account for "monetization."

7       461. According to Google, each video must be reviewed and approved by Google before  
8 Google will permit ads to be placed with that video.

9       462. Google represents that videos must meet Google's policies and terms before they  
10 will be approved for ads.

11       463. Upon information and belief, Google has reviewed and approved ISIS videos,  
12 including videos posted by ISIS-affiliated users, for "monetization" through Google's placement of  
13 ads in connection with those videos.

14       464. Upon information and belief, by thus approving ISIS videos, including videos by  
15 posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users a  
16 percentage of revenues generated by these ads.

17       465. The following is a screen shot example of Google placing targeted ads in conjunction  
18 with an ISIS video on YouTube:

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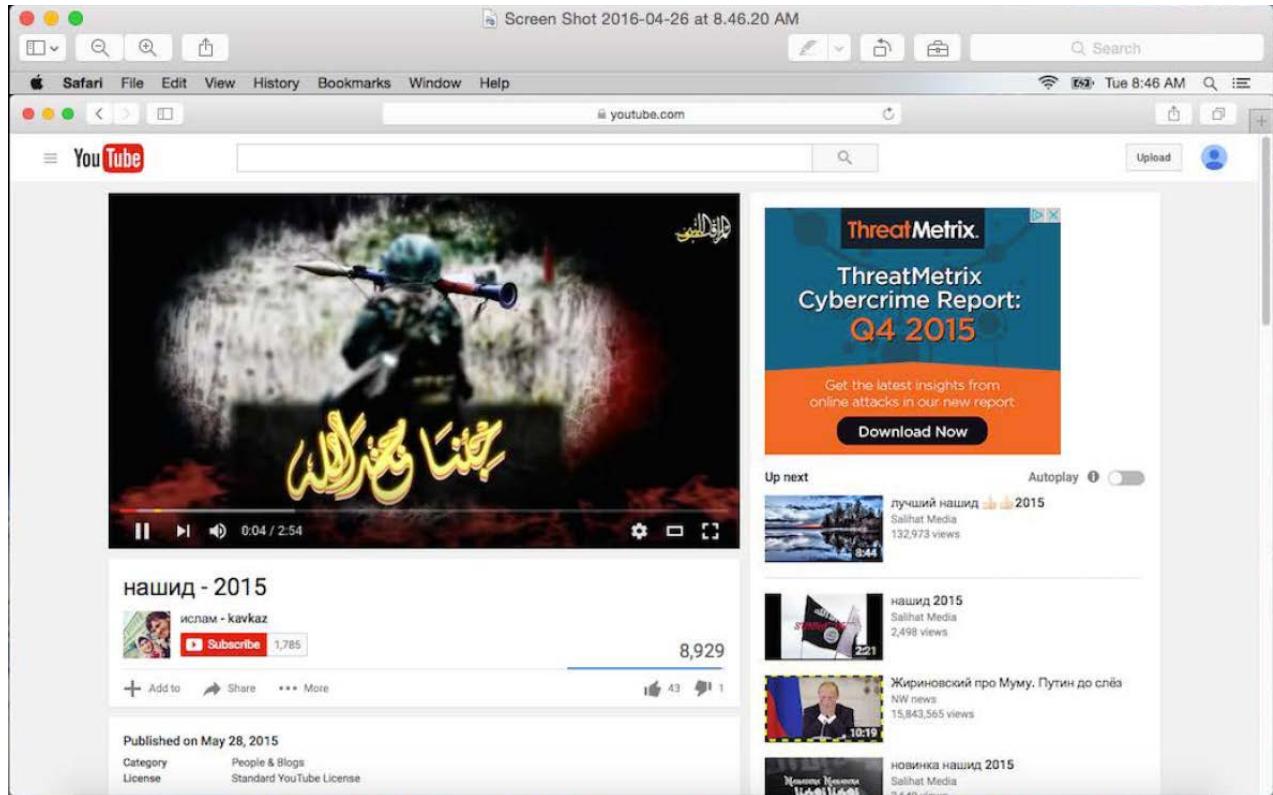


Figure 41 Screenshot Example of Ads on YouTube

466. Given that ad placement on videos requires Google's specific approval of the video according to Google's terms and conditions, any video which is associated with advertising has been approved by Google.

467. Because ads appear on the above video posted by ISIS, this means that Google specifically approved the video for monetization, Google earned revenue from each view of this video, and Google shared the revenue with ISIS. As a result, Google provides material support to ISIS.

468. Twitter also profits from material posted by ISIS by routinely placing ads. For example, a view of the account of "DJ Nasheed" on May 17, 2016, shows that Twitter placed an ad for OneNorth for their "M.E.A.N. Stack" offering. As such, Twitter provides material support to ISIS and is compensated for the effort.

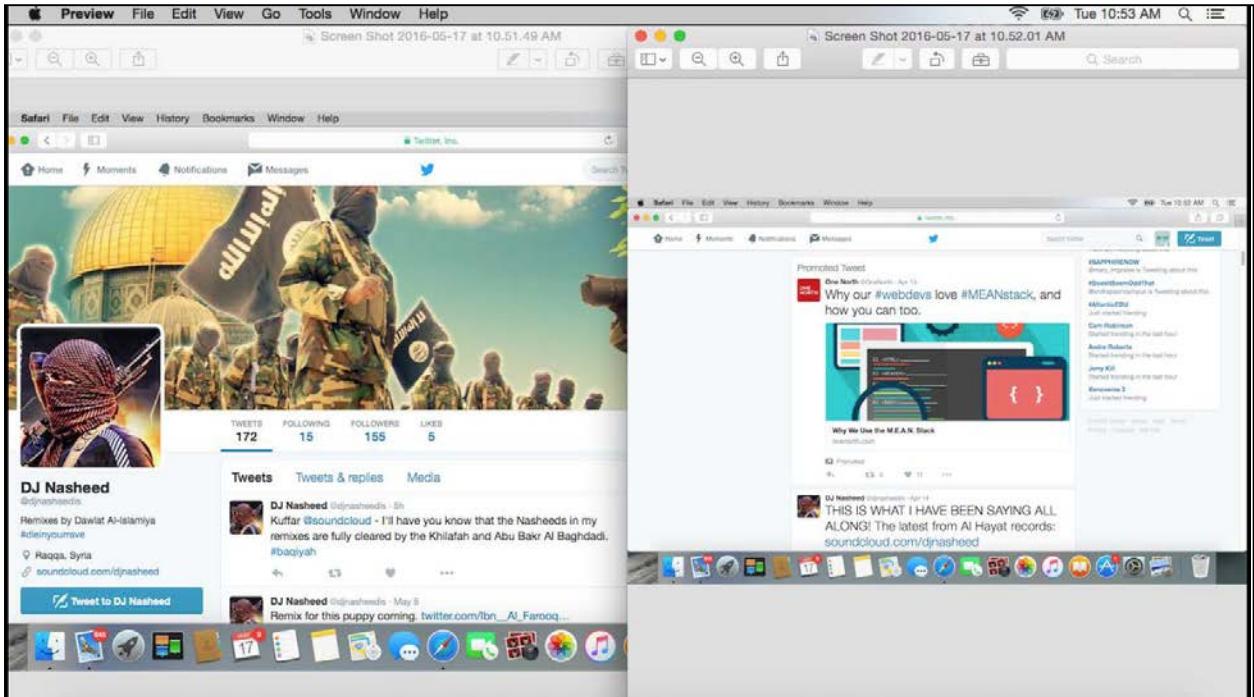


Figure 42 ISIS post on Twitter with ad placed by Twitter

469. Facebook also profits from ISIS postings. On May 31, 2016, the following screenshot was collected:



12 *Figure 43 ISIS post on Facebook with add placed by Facebook*

13 470. As such, Facebook provides material support to ISIS and is compensated for the  
 14 effort.

15 471. Thus, not only does each Defendant provide material support to ISIS by allowing  
 16 ISIS to make use of their social media sites, each Defendant derives revenue from ISIS postings  
 17 irrespective of the content of ISIS's postings.

19  
 20 **C. Defendants Are Information Content Providers**

21 472. When individuals look at a page on one of Defendants' sites that contains postings  
 22 and advertisements, that configuration has been created by Defendants. In other words, a viewer  
 23 does not simply see a posting; nor does the viewer see just an advertisement. Defendants create a  
 24 composite page of content from multiple sources.

25 473. Defendants create this page by selecting which advertisement to match with the  
 26 content on the page. This selection is done by Defendants' proprietary algorithms that select the  
 27

1 advertisement based on information about the viewer and the content being. Thus there is a content  
 2 triangle matching the postings, advertisements, and viewers.

3 474. Although Defendants have not created the posting, nor have they created the  
 4 advertisement, Defendants have created new unique content by choosing which advertisement to  
 5 combine with the posting with knowledge about the viewer.

6 475. Thus, Defendants' active involvement in combining certain advertisements with  
 7 certain postings for specific viewers means that Defendants are not simply passing along content  
 8 created by third parties; rather, Defendants have incorporated ISIS postings along with  
 9 advertisements matched to the viewer to create new content for which Defendants earn revenue, and  
 10 thus providing material support to ISIS.

12 **D. Defendants' Platforms and Other Services are Unique**

13 476. Defendants' platforms and other services are provided to users via Defendants'  
 14 unique computer architecture.

15 477. Whenever a Twitter, Facebook, or YouTube user posts content on Twitter, Facebook,  
 16 or YouTube, Defendants' computer servers receive the information and distribute it to the Twitter,  
 17 Facebook, or YouTube user's network of Twitter "followers," Facebook "friends," or YouTube  
 18 channel "subscribers."

20 478. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed,"  
 21 or the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or YouTube's  
 22 platforms and search engines on the Internet, depending upon the user's privacy settings.

24 479. The video and other information that is input by a Twitter, Facebook, or YouTube  
 25 user into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as well  
 26 as on Defendants' backup storage equipment.

27

28

1           480. Twitter, Facebook, and YouTube users' content, videos, and other information are  
2 hosted on Defendants' computer equipment.

3           481. Defendants enable users to connect and communicate with "followers," "friends,"  
4 "subscribers," or with others via posts that can be in the form of a short message, a photo with a  
5 caption, sharing a web link or a news article from another website, or linking to other social media  
6 platforms.

7           482. Defendants' platforms' users also "like," "retweet," and "share" others' videos,  
8 thereby exposing these videos to new networks of viewers.

9  
10          483. Defendants use computer algorithms to match content, videos, and accounts with  
11 similarities, so that similar Twitter, Facebook, or YouTube content, videos and accounts are  
12 suggested to a user or viewer when viewing a Twitter, Facebook, or YouTube account; in this way,  
13 users are able to locate other videos and accounts related to ISIS even if they do not know the correct  
14 identifier or if the original Twitter, Facebook, or YouTube account has been replaced by a new  
15 identifier.

16  
17          484. Effectively, Defendants serve as a broker or matchmaker between like-minded  
18 people, introducing users to other users and videos that they will be interested in based on the video  
19 and account information and characteristics; these types of suggestions appear on the side margin  
20 of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even automatically  
21 load and play when a selected video ends.

22  
23          485. By providing Twitter, Facebook, and Google's YouTube platforms and other  
24 services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer  
25 servers, storage and communication equipment, highly-developed and sophisticated algorithms, and  
26 services that facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as  
27 effectively.

1           486. As discussed above, Twitter, Facebook, and YouTube's usefulness to ISIS is not  
 2 merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with others  
 3 and promote its terrorist activity.

4 **E. Defendants Can Deny Services to ISIS But Refused to Do So**

5           487. Defendants have tools by which it can identify, flag, review, and remove ISIS  
 6 accounts.

7           488. In a January 2011 blog post entitled "The tweets Must Flow," Twitter co-founder  
 8 Biz Stone and Twitter General Counsel Alex Macgillivray wrote: "We don't always agree with the  
 9 things people choose to tweet, but we keep the information flowing irrespective of any view we  
 10 may have about the content."

12           489. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about  
 13 ISIS's use of Twitter to publicize its acts of terrorism, said, "[i]f you want to create a platform that  
 14 allows for the freedom of expression for hundreds of millions of people around the world, you really  
 15 have to take the good with the bad."

17           490. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter's hands-off  
 18 approach, telling the press, "Twitter users around the world send approximately 500 million tweets  
 19 each day, and we do not monitor them proactively." "The Twitter Rules" reiterated that Twitter  
 20 "do[es] not actively monitor and will not censor user content, except in exceptional circumstances."  
 21 In February 2015, Twitter confirmed that it does not proactively monitor content and that it reviews  
 22 only that content which is reported by other users as violating its rules.

24           491. Most technology experts agree that Defendants could and should be doing more to  
 25 stop ISIS from using its social network. "When Twitter says, 'We can't do this,' I don't believe  
 26 that," said Hany Farid, chairman of the computer science department at Dartmouth College. Mr.  
 27 Farid, who co-developed a child pornography tracking system with Microsoft, says that the same

1 technology could be applied to terror content, so long as companies were motivated to do so.  
 2 “There’s no fundamental technology or engineering limitation,” he said. “This is a business or policy  
 3 decision. Unless the companies have decided that they just can’t be bothered.”

4 492. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not  
 5 doing enough. With the technology Twitter has, they can immediately stop these accounts, but they  
 6 have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”

7 493. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it  
 8 from springing right back up. According to the New York Times, the Twitter account of the pro-  
 9 ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut down,  
 10 it started @TurMedia334. When that was shut down, it started @TurMedia335. This “naming  
 11 convention — adding one digit to a new account after the last one is suspended — does not seem as  
 12 if it would require artificial intelligence to spot.” Each of these accounts also used the same user  
 13 photograph of a bearded man’s face over and over again. In the hours after the shooting attack in  
 14 San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California, we have  
 15 already arrived with our soldiers. Decide how to be your end, with knife or bomb.”

16 494. Using this simplistic naming scheme is critical to ISIS’s use of social media. Without  
 17 a common prefix, it would be difficult for followers of ISIS accounts to know the new name of the  
 18 account.

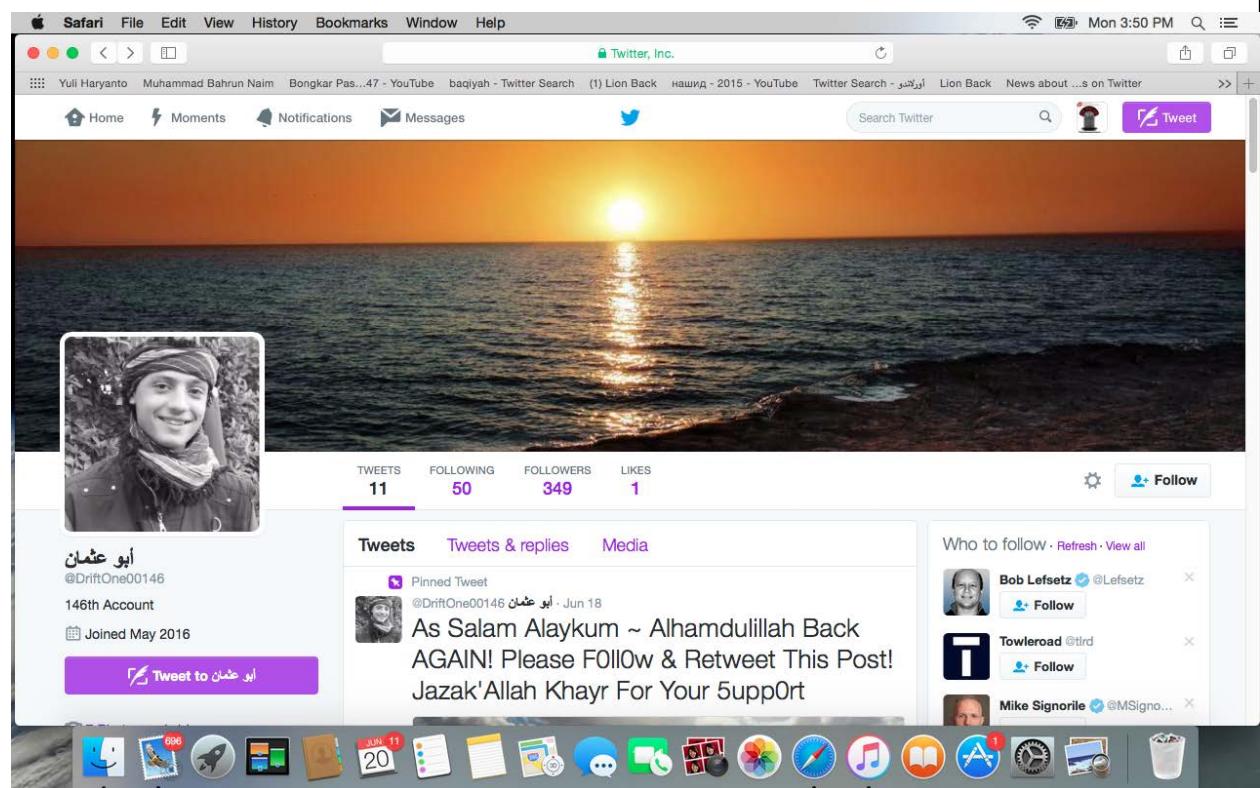
19 495. Because of the simplistic renaming scheme, Defendants could easily detect names  
 20 that are likely to be replacement accounts and delete them almost as soon as they are created. Yet  
 21 Defendants have failed to implement such a basic account detection methodology.

22 496. Furthermore, ISIS keeps track of the followers of each account. Once an account is  
 23 deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact each of its  
 24

1 followers asking them to connect. This allows ISIS to reconstitute the connections for each account  
 2 very quickly. Defendants could easily detect such activity but chose not to.

3 497. Although Defendants proclaim that they do take accounts down including those of  
 4 ISIS, Defendants do nothing to keep those accounts down. ISIS and other nefarious groups are  
 5 dependent upon having a social media network from which to collect money and conduct terrorist  
 6 operations including recruitment and radicalization.

7 498. The following example illustrates how Defendants allow ISIS to quickly construct  
 8 networks of followers. Below is a posting from Twitter captured on June 20, 2016. The individual  
 9 is named “DriftOne00146” and he proudly proclaims that this is the 146th version of his account.  
 10 With only 11 tweets, this individual is followed by 349 followers. This is very suspicious activity.



25 *Figure 44: DriftOne00146 posting 06/20/2016*

26 499. The very next day, this individual now has 547 followers with only 3 additional  
 27 tweets.

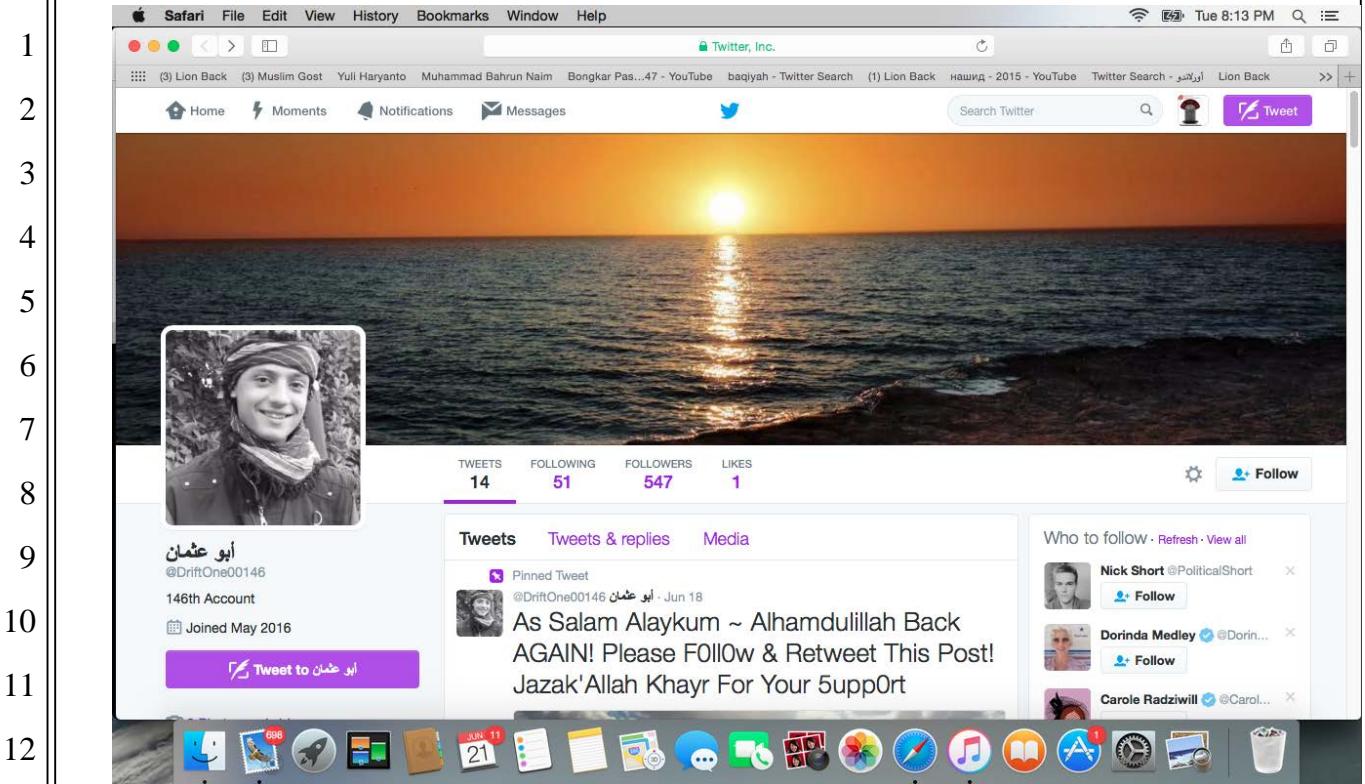


Figure 45: DriftOne00146 posting June 21, 2016

500. The next morning, this individual's account was taken down by Twitter. That afternoon, he was back up as DriftOne0147 with 80 followers.

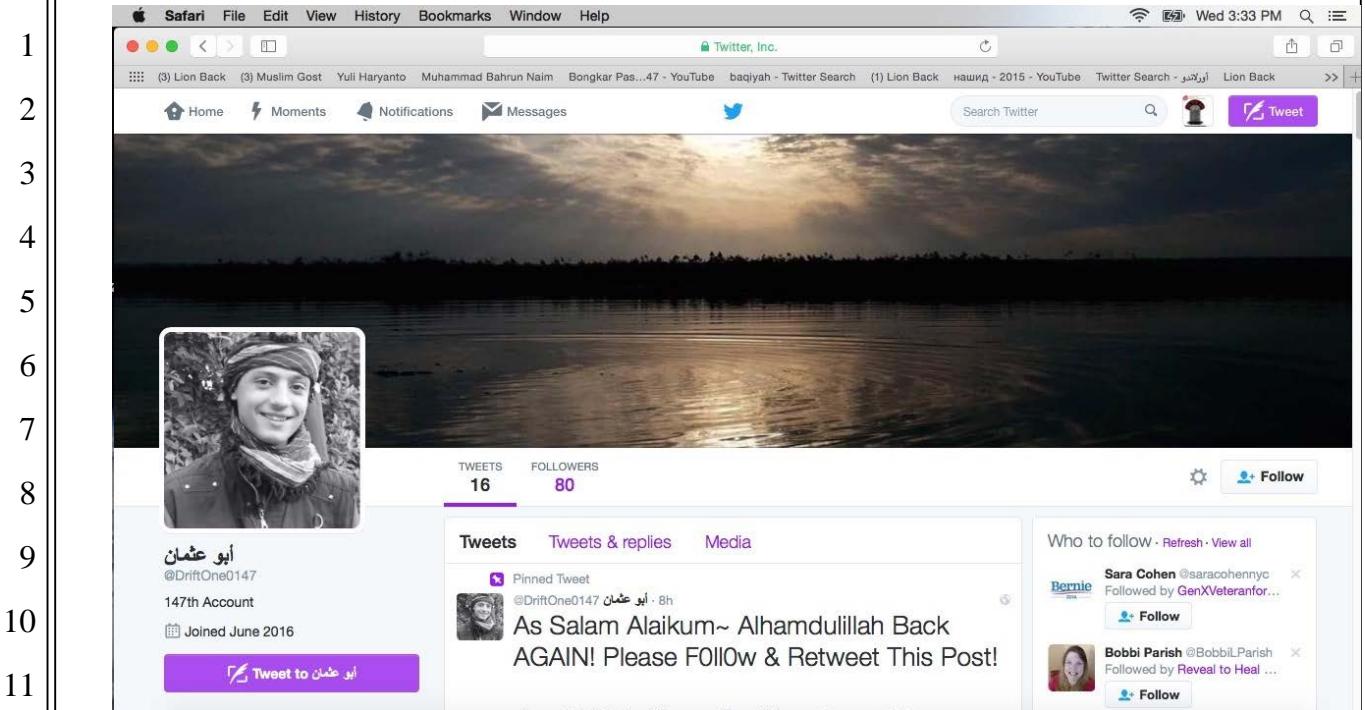


Figure 46: DriftOne0147 posting June 22, 2016

501. The very next week on June 28, 2016, the same individual was back up as DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just three days before the unfortunate ISIS attack in Dhaka, Bangladesh.

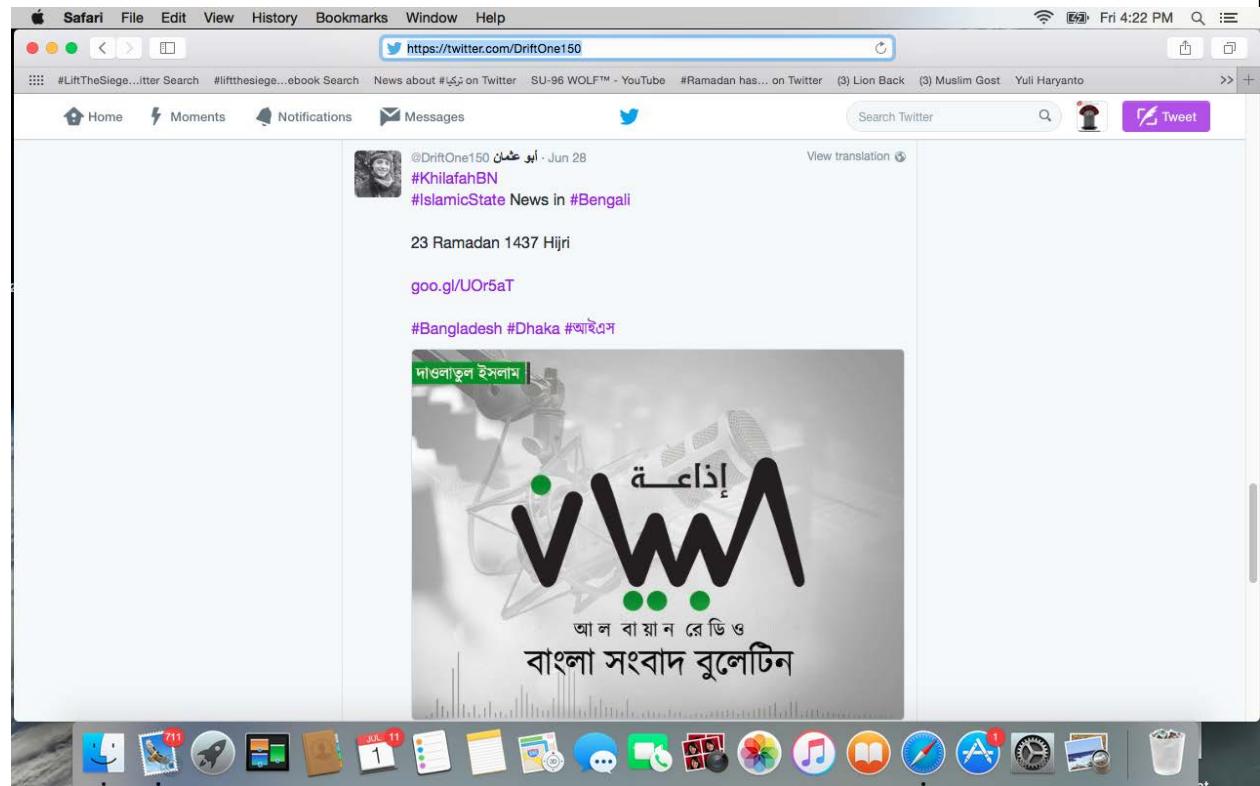


Figure 47: DriftOne150 posting June 28, 2016

502. The day after the attacks, he is now DriftOne0151 and he posts pictures of those individuals who conducted the attacks.

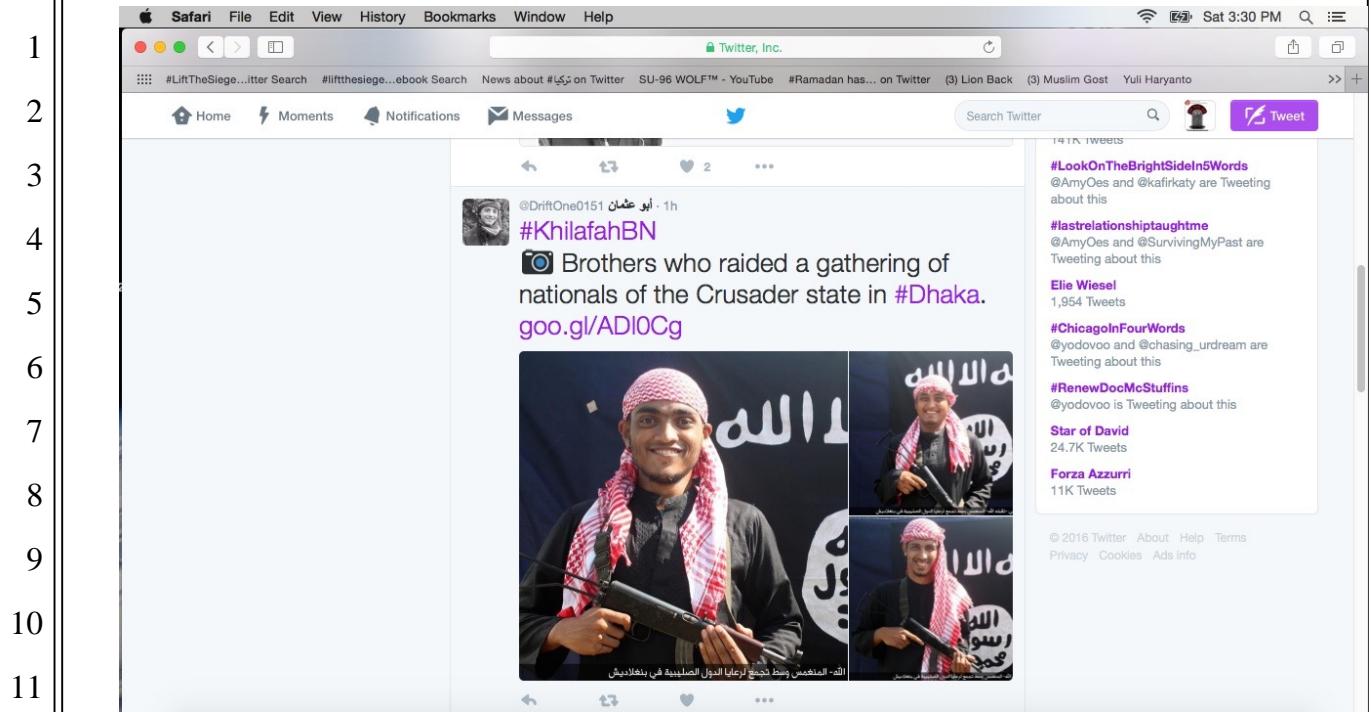


Figure 48: DriftOne0151 posting July 2, 2016

503. What the above example clearly demonstrates is that there is a pattern that is easily detectable without reference to the content. As such, a content-neutral algorithm could be easily developed that would prohibit the above behavior. First, there is a text prefix to the username that contains a numerical suffix. When an account is taken down by a Defendant, assuredly all such names are tracked by Defendants. It would be trivial to detect names that appear to have the same name root with a numerical suffix which is incremented. By limiting the ability to simply create a new account by incrementing a numerical suffix to one which has been deleted, this will disrupt the ability of individuals and organizations from using Defendants networks as an instrument for conducting terrorist operations.

504. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor

1 would it place any “chilling” effect on the use of Defendants’ sites.

2 505. Sending out large numbers of requests to connect with friends/followers from a  
3 newly created account is also suspicious activity. As shown in the “DriftOne” example above, it  
4 is clear that this individual must be keeping track of those previously connected. When an account  
5 is taken down and then re-established, the individual then uses an automated method to send out  
6 requests to all those members previously connected. Thus, accounts for ISIS and others can  
7 quickly reconstitute after being deleted. Such activity is suspicious on its face.  
8

9 506. Clearly, it is not normal activity for a newly created account to send out large  
10 numbers of requests for friends and followers immediately after creation. It is further unusual for  
11 those connections requests to be accepted in a very short period of time. As such, this activity  
12 would be easy to detect and could be prohibited by Defendants in a content-neutral manner as the  
13 content is never considered; only the conduct.  
14

15 507. Furthermore, limiting the rapidity with which a newly created account can send  
16 requests to friends/followers would not place a significant burden on Defendants to implement.  
17 Once again, such activity is suspicious and suggestive of reconstitution of an account which was  
18 deleted by Defendants. In addition, Defendants could easily track that a newly created account  
19 similarly named to one previously taken down is sending out large numbers of requests in a very  
20 short period of time.  
21

22 508. Because the suspicious activity used by ISIS and other nefarious organizations  
23 engaged in illegal activities is easily detectable and preventable and that Defendants are fully  
24 aware that these organizations are using their networks to engage in illegal activity demonstrates  
25 that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is  
26 dependent on using social media to conduct its terrorist operations. Limiting ISIS’s ability to  
27 rapidly connect and reconnect to supports Thus, Defendants knowing and reckless conduct  
28

1 provides materials support to ISIS and other nefarious organizations.

2 509. Notably, while Twitter has now put in place a rule that supposedly prohibits  
 3 “threats of violence . . . including threatening or promoting terrorism,” many ISIS-themed  
 4 accounts are still easily found on Twitter.com. To this day, Twitter also permits groups designated  
 5 by the U.S. government as Foreign Terrorist Organizations to maintain official accounts, including  
 6 Hamas (@hamasinfo and @HamasInfoEn) and Hezbollah (@almanarnews).

7 510. On November 17, 2015, the hacking group Anonymous took down several  
 8 thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS  
 9 Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS’s  
 10 use of Twitter.

11 511. Although YouTube proclaims that it deletes accounts of those who run afoul of its  
 12 policies, YouTube allows these accounts to be quickly regenerated. This account regeneration  
 13 leaves signatures which could be easily detected by YouTube in a content independent  
 14 manner. That YouTube allows ISIS to quickly regenerate deleted accounts when this practice could  
 15 be eliminated or severely limited provides further evidence that YouTube provides material support  
 16 to ISIS.

17 512. In August 2016, after a 12-month inquiry on countering extremism that included  
 18 testimony from Google and other social media company executives, the U.K. House of Commons’  
 19 Home Affairs Committee issued a report titled “Radicalisation: the counter-narrative and identifying  
 20 the tipping point.” (“U.K. Report”).<sup>101</sup>

21 513. In the 2016 U.K. Report, the Home Affairs Committee found that:

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<sup>101</sup> Home Affairs Committee, “Radicalisation: the counter-narrative and identifying the tipping point,” House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

1           “The use of the internet to promote radicalisation and terrorism is one of the  
 2           greatest threats that countries . . . face.  
 3           ...  
 4           Social media companies are consciously failing to combat the use of their  
 5           sites to promote terrorism and killings. Networks like Facebook, Twitter  
 6           and YouTube are the vehicle of choice in spreading propaganda and they  
 7           have become the recruiting platforms for terrorism. They must accept that  
 8           the hundreds of millions in revenues generated from billions of people using  
 9           their products needs to be accompanied by a greater sense of responsibility  
 10           and ownership for the impact that extremist material on their sites is having.  
 11           There must be a zero tolerance approach to online extremism, including  
 12           enticement to join extremist groups or commit attacks of terror and any  
 13           glorification of such activities... These companies are hiding behind their  
 14           supranational legal status to pass the parcel of responsibility and refusing to  
 15           act responsibly in case they damage their brands.”<sup>102</sup>

## 10 **VII. The Nice Attack Was An Act of International Terrorism**

11           514. One of the stated goals of ISIS is to use social media including Defendants  
 12           platforms to radicalize individuals to conduct attacks throughout the world, including the United  
 13           States.  
 14

15           515. By radicalizing individuals through social media, this allowed ISIS to exert its  
 16           influence without the necessity of direct physical contact with these individuals. Furthermore, this  
 17           allows ISIS to incite or participate in attacks without the necessity of sending its own operatives.  
 18

19           516. Thus, an attack in Nice to which ISIS’s use of social media caused or contributed  
 20           is an action by ISIS. Given that ISIS has been declared an international terrorist organization,  
 21           such an action is an act of international terrorism.  
 22

23           517. Mohamed Lahouaiej-Bouhlel was radicalized by ISIS’s use of social media. This  
 24           was the stated goal of ISIS. Bouhlel then carried out the deadly attack in Nice. Conducting  
 25           terrorist acts via radicalized individuals is a stated goal of ISIS.  
 26

27           518. Bouhlel’s attack in Nice was a violent act causing death and injury and constitutes  
 28

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27           102 *Id.* at 11, 13-14 (original in bold).  
 28

1 numerous criminal acts under the laws of the United States.

2 519. ISIS intended to intimidate and coerce France's populations and governments  
 3 through a pattern of intimidation and coercion as discussed throughout Plaintiff's Complaint.

4 520. ISIS acts from outside the France using Defendants' platforms in a manner that  
 5 transcends national boundaries because of the international usage of Defendants' platforms.

6 521. But for ISIS's postings using Defendants' social media platforms, Bouhlel would  
 7 not have engaged in the attack on Nice.

8 522. Bouhlel's terrorist actions were a direct result of ISIS's actions and given that ISIS  
 9 is an international terrorist organization, Bouhlel's actions were also an act of international  
 10 terrorism.

12 **CLAIMS FOR RELIEF**

13 **FIRST CLAIM FOR RELIEF**

15 **LIABILITY FOR AIDING AND ABETTING**  
 16 **ACTS OF INTERNATIONAL TERRORISM**  
**PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

17 523. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs  
 18 as if fully set forth herein.

19 524. Since 2004, ISIS has been and continues to be, a designated foreign terrorist  
 20 organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

22 525. ISIS has committed, planned, or authorized activities that involved violence or acts  
 23 dangerous to human life that are a violation of the criminal laws of the United States, or that  
 24 would be a criminal violation if committed within the jurisdiction of the United States,  
 25 including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily  
 26 injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C.  
 27 § 2332.

1 526. These activities committed, planned, or authorized by ISIS appear to have been, and  
 2 were intended to: (a) intimidate or coerce the civilian populations of France, the United  
 3 States, and other countries; (b) influence the policy of the Governments of France, the United  
 4 States and other countries by intimidation or coercion; or (c) affect the conduct of the  
 5 Governments of France, the United States and other countries by mass destruction,  
 6 assassination, or kidnapping.

7 527. These activities committed, planned, or authorized by ISIS occurred entirely or  
 8 primarily outside of the territorial jurisdiction of the United States and constituted acts of  
 9 international terrorism as defined in 18 U.S.C. § 2331(1).

10 528. Plaintiffs have been injured in their person by reason of the acts of international  
 11 terrorism committed, planned, or authorized by ISIS.

12 529. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist  
 13 Organization, that it had engaged in and continued to engage in illegal acts of terrorism,  
 14 including international terrorism.

15 530. Defendants knowingly provided substantial assistance and encouragement to ISIS,  
 16 and thus aided and abetted ISIS in committing, planning, or authorizing acts of international  
 17 terrorism, including the acts of international terrorism that injured Plaintiffs.

18 531. By aiding and abetting ISIS in committing, planning, or authorizing acts of  
 19 international terrorism, including acts that caused each of the Plaintiffs to be injured in his  
 20 or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d)  
 21 for threefold any and all damages that Plaintiffs have sustained as a result of such injuries,  
 22 and the costs of this suit, including attorney's fees.

23  
 24  
 25  
 26  
 27 **SECOND CLAIM FOR RELIEF**  
 28

**LIABILITY FOR CONSPIRING IN FURTHERANCE OF  
ACTS OF INTERNATIONAL TERRORISM  
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

532. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs  
as if fully set forth herein.

533. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to register and use Defendants' sites and other services to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism that injured Plaintiffs.

534. Defendants were aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

535. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and equipment to promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured Plaintiffs.

536. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the Plaintiffs to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

### **THIRD CLAIM FOR RELIEF**

**PROVISION OF MATERIAL SUPPORT TO TERRORISTS  
IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333**

537. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

538. The online social media platform and communication services which Defendants knowingly provided to ISIS, including the use of Defendants' services, computers, and communications equipment, substantially assisted ISIS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things.

539. Through their actions, Defendants have also provided personnel to ISIS by making ISIS leaders, members, and potential new recruits available to each other and to ISIS.

540. These services, equipment, and personnel constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that caused the death of Sean and Brodie Copeland and injuries to Plaintiffs.

541. Defendants provided these services, equipment, and personnel to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the Plaintiffs.

542. As set forth more fully above, but for the material support and resources provided by Defendants, the attack that injured the Plaintiffs would have been substantially more difficult to implement.

543. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be  
injured in his or her person, business or property, Defendants are liable pursuant to 18 U.S.C.  
§ 2333 for any and all damages that Plaintiffs have sustained as a result of such injuries.

## FOURTH CLAIM FOR RELIEF

**PROVISION OF MATERIAL SUPPORT AND RESOURCES  
TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION  
IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

544. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

1 545. By knowingly (or with willful blindness) providing their social media platforms and  
2 communication services, including use of computer and communications equipment, and  
3 personnel, for the benefit of ISIS, Defendants have provided material support and resources  
4 to a designated Foreign Terrorist Organization under the Antiterrorism and Effective Death  
5 Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

6 546. Defendants knew of (or were willfully blind to) ISIS's terrorist activities.

7 547. Defendants knew (or were willfully blind to the fact) that ISIS had been designated  
8 a Foreign Terrorist Organization by the United States Government.

9 548. The Services and support that Defendants purposefully, knowingly or with willful  
10 blindness provided to ISIS constitute material support to the preparation and carrying out of  
11 acts of international terrorism, including the attack in which the Plaintiffs were killed or  
12 injured.

13 549. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to  
14 Plaintiffs described herein.

15 550. By knowingly (or with willful blindness) providing material support to a designated  
16 Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to  
17 Plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

20 **FIFTH CLAIM FOR RELIEF**

21 **NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

22 551. Plaintiffs repeat and reallege each of the foregoing allegations with the same force  
23 and effect as if more fully set forth herein.

24 552. Defendants engaged in negligent behavior by providing services to ISIS.

25 553. Defendants' acts of providing services to ISIS constituted a willful violation of

1 federal statutes, and thus amounted to a willful violation of a statutory standard.

2 554. As a direct, foreseeable and proximate result of the conduct of Defendants as  
 3 alleged hereinabove, Plaintiffs has suffered severe emotional distress, and therefore  
 4 Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional distress and related  
 5 damages.

6 **SIXTH CLAIM FOR RELIEF**  
 7 **WRONGFUL DEATH**

8 555. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and  
 9 effect as if more fully set forth herein.

10 556. Each of the Defendants' provides services to ISIS that, among other things,  
 11 substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

12 557. As set forth more fully above, but for the assistance provided by the Defendants' the  
 13 terrorist attack that killed each of Plaintiffs' Decedents herein, would have been  
 14 substantially more difficult to implement.

15 558. The conduct of each Defendant party was unreasonable and outrageous and exceeds  
 16 the bounds usually tolerated by decent society, and was done willfully, maliciously and  
 17 deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist  
 18 activity, Plaintiffs herein.

19 559. The conduct of each Defendant was a direct, foreseeable and proximate cause of the  
 20 wrongful deaths of each of Plaintiffs' Decedents and therefore the Defendants' are  
 21 liable to Plaintiffs for their wrongful deaths.

22 560. Each of the Defendants actions were undertaken willfully, wantonly, maliciously and  
 23 in reckless disregard for Plaintiff's rights, and as a direct, foreseeable and proximate  
 24 result thereof Plaintiffs suffered economic and emotional damage in a total amount to

1 be proven at trial, therefore Plaintiffs seek punitive damages in an amount sufficient to  
2 deter Defendants from similar future wrongful conduct.

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7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray that this Court:

9 (a) Enter judgment against Defendants and in favor of each Plaintiff for  
10 compensatory damages in amounts to be determined at trial;

11 (b) Enter judgment against Defendants and in favor of each Plaintiff for treble  
12 damages pursuant to 18 U.S.C. § 2333;

13 (c) Enter judgment against Defendants and in favor of each Plaintiff for any and  
14 all costs sustained in connection with the prosecution of this action, including attorneys' fees,  
15 pursuant to 18 U.S.C. § 2333;

16 (d) Enter an Order declaring that Defendants have violated, and are continuing  
17 to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and

18 (e) Grant such other and further relief as justice requires.

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20 **JURY DEMAND**

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22 **PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

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1 Dated: October 12, 2017.  
2

3 **Excolo Law, PLLC**

4 by: /s/ Keith L. Altman  
5 Keith L. Altman

6 Keith L. Altman (SBN 257309)  
7 Solomon Radner (*pro hac vice to be applied for*)  
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## **VERIFICATION**

I, the undersigned, certify and declare that I have read the foregoing complaint, and know its contents.

I am the attorney for Plaintiffs to this action. Such parties are absent from the county where I have my office and is unable to verify the document described above. For that reason, I am making this verification for and on behalf of the Plaintiffs. I am informed and believe on that ground allege the matters stated in said document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 12, 2017 at Southfield, MI.

Respectfully Submitted,

## EXCOLO LAW, PLLC

By: /s/ Keith L. Altman  
Attorney for Plaintiffs

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